بسم الله الرحمن الرحيم

Islamic Solutions

to the Muslims' Ideological and Social Problems in non-Muslim Countries.

A broad survey of the ideological and social problems the Muslims of the non-Muslim countries are generally faced with, offering solutions to them in the light of the Shariat of Islam and its juristic interpretation− the Islamic *Fiqh*.

By

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Dedication

To Islam's those valorous sons who have been spoken of by the late Md. Iqbal, the poet of Islam, in his following verse:

> *We did not spare even the deep waters, let alone the deserts and the plains,*
> *So much so that our horses rushed into the Atlantic Ocean.*

AND

To the Darul Uloom Deoband, which is still carrying forward our Pious Predecessors' such lively traditions.

Akhtar Imam Adil Qasmi

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Present Book as Evaluated by Maulana Mufti Zafirul-Din Miftahi, Mufti at Darul Uloom Deoband, India

الحمد لله وكفى وسلام على عباده الذين اصطفى

In non-Muslim countries where the Muslims form part of their populations, whether as their native citizens or expatriates, they often encounter the problems and issues which come into conflict with the concepts and teachings of Islam, the religion the Muslims profess. In such countries they are often without options other than coming across and passing through them. Under such situations the Muslims living in such countries find themselves in a state too much critical from the religious viewpoint. It was an urgent need of such Muslims in general that the men of Islamic learning discuss such issues in the light of the Islamic *Shariat* and within the ambit of the principles and the broader framework of the Islamic jurisprudence enlighten those Muslims in particular with the guidance and solutions that the Final Religion of Allah offers.

It is gratifying to know that a learned, youthful man of Islamic learning, brother Maulana Mufti Akhtar Imam Adil Qasmi, undertook the task and prepared a short volume wherein he discussed the most common issues of the type in the light of the Qur'an, Sunnah, and the Islamic history in a comprehensive manner, and to the best of my assessment, has disentangled the religious and social entanglements the Muslims in those countries, more or less, are commonly faced with. May Allah reward him best for this timely religious service he has rendered.

The book opens with that with respect to the political position the Prophet صلى الله عليه وسلم’s blessed age might easily be divided into three periods. The *Makkan* period, where the reins of power lay in the hands of the pagan *Quraish* and the Muslims, devoid of all types of power, had to live in *Makkah* under the established political supremacy of the pagan *Quraish*. During this period the converts to Islam were subjected to all possible sorts of religious persecution, suffered trials and tribulations and bore untold hardships. Even the Prophet صلى الله عليه وسلم, who amongst the *Quraish* was held in high veneration due to his high morality, unmatched moral integrity, incomparable henesty and truthfulness which had moved the *Makkan* pagans to the extent that they had termed him the Truthful and Trustworthy, was often hindered from worshipping Allah according to his belief in *Tauheed* and monotheism. The smaller Muslim community was a constant subject to crude methods of persecution and oppression. Oppressed and persecuted, the Muslims had to leave their hometown, *Makkah,* and seek asylum in Abyssinia, then under a good-natured, just Christian ruler. The pagan *Makkans* chased after the *muhajirs* even into Abyssinia and left no stone unturned in harming them there. The Prophet صلى الله عليه وسلم had to leave his hometown *Makkah* and under the direct command of Allah Ta'ala moved to *Madinah*, then called *Yathrib*. Thus, since the advent of the Prophet صلى الله عليه وسلم till the Great Migration took place lasted the *Makkan* period. As to Abyssinian phase, it is in fact an offshoot of the *Makkan* period. Henceforward began the *Madinan* period, where the sapling of Islam rooted itself deep. The enemy even here did not left the Prophet صلى الله عليه وسلم and his handful followers do their job of calling the human beings to Islam and Allah unhindered. They not just threatened them but fought them constantly. During the span of ten years the Prophet صلى الله عليه وسلم and the Muslims had to fight seventy four wars against the united front of the infidels—the Jews, the Polytheists and the Hypocrites.

While speaking of the *Madinan* period, the learned author writes that in *Madina* the local conditions prompted the Holy Prophet صلى الله عليه وسلم to forge defense alliances with the Jews, in spite of his full knowledge that they bore extreme enmity towards Islam and the Messenger of Allah. Then he cites a few articles of the accord reached at by the parties. Taking short notice of what the Muslims faced during all the three periods of the Holy Prophet صلى الله عليه وسلم's blessed age, the learned author discusses, in fair detail, the religious problems the Muslims in the democratic countries where they live millions and billions forming the second or third largest minority of the country. The discussion primarily revolves round the problems such as the democratic procedure of the election, formulating the governments to run the country, and the permissible and *Shariat* endorsed ways and potentialities for Muslims for taking part in the process and then in the constitution of the government itself. The discussion is based on the Qur'an and *Sunnah* and the Islamic jurisprudence. Furthermore, the treatment of the problems is interesting and satisfyingly argued.

In short, the book is of immense benefit both for the general and learned Muslim and non-Muslim readership. In order to know the art of leading a successful life in non-Muslim countries according to the norms of the *Shariat* the Muslims are better advised to benefit from the books like the one in hand. We pray Allah that He may turn it a provision of the Hereafter for the author and grant him the position of a trustable guide for the Muslim community.

ربنا تقبل منا إنك أنت السميع العليم

Md. Zafirud Din Miftahi
Darul Uloom Deoband
Shaban 27, 1424 A.H

Prefatory Note to the First Urdu Edition

Apart from the millions of Muslims who natally belong to the countries of the non-Muslim majority, thousands of Muslims, under different reasons, have moved out from their natal Muslim countries and have taken the nationalities of different non-Muslim countries across the world, where they are living almost in full peace and satisfaction and have no intention to return back to their homelands and the countries of their birth. Quite naturally, the non-Muslim countries are governed by the systems of polity, government, the systems of law and the social traditions that come into conflict with the principles and norms of the Islamic Shariat. This situation has engendered a number of religious issues arising out from the religious ideological difficulties. These problems call for the Muslim Ulama to deliberate on such problems and arrive at conclusions in perfect accord with the spirit and temperament of the Islamic Shariat, its framework of principles and norms.

In response to the same religious requirement of the billions of the Muslims living in non-Muslim countries across the globe, these problems have been under consideration of the men of profound Islamic learning and scholarship for decades. This arduous consideration has given birth to a huge amount of literature on the Jurisprudence of Minorities (Fiqhul Aqalliyat).

May Allah *Subhanahu wa ta'ala* reward the authorities of Islamic *Fiqh* Academy of India for their sincere endeavors to this effect. The Academy circulated a questionnaire on a number of such issues to select *ulama* in and outside India, thereby inviting their attention to ponder over such problems in the light of the *Shariat*. May Allah make the collective consideration of such issues by the *ulama* result in a better approach towards such issues which may fetch good for the *Ummah*.

Having such problems already in mind, I have long been cherishing the idea to ponder over such problems even prior to the receipt of the Academy's questionnaire. The questionnaire, however, spurred me on to pondering over the issues and problems it contained. Then I listed such issues and started jotting down the results of my study. Although my teaching and administrative business and long trips, sometimes spreading over months, intermittently distracted my concentration, yet I managed to continue my study. My overseas trips too helped me in discovering even more aspects of those problems. This way I was able to write down the results of my study in the form of a paper. Then its excerpts got published in some monthlies and leading journals. The men of Islamic learning expressed their admiration. Some of my close friends insisted should the paper per se gets published, it would be better.

Today the same yield of my study is in your hands. What I would like to put here is that this paper neither is a *fatwa* nor a final research. This is no more than the finding of a learner and the gist of his strenuous thinking and study offered to the men of great learning and scholarship in the hope that they will read it critically and assess it accordingly and then intimate the author with their useful views and comments, thereby enabling him to effect improvements into the structure of the book. This way it may legitimately be hoped that a usefully better thing shall come before the ummat. In sha Allah.

In the completion of this humble work I owe great debt to many who assisted me. Special mention, however, has to be made here of Mr. Abdul-Rabb Karimi of the Universal Peace Foundation, Delhi, Ml. Md. Sa'adullah Qasmi and Ml. Mahboob Ahmad Farogh Qasmi. It is their labour and sincerity which paved the way for the printing and publishing of it. May Allah reward them best.

I must seize the present opportunity for offering my heartiest and solicitous thanks to Ml. Mufti Md. Zafiruddin Miftahi (Darul Uloom Deoband), whose companionship unleashed my potentials and oriented them to study and write on the topics related to the Islamic jurisprudence. To the Maulana I must record my profound sense of gratitude once again. He kindly looked at the final draft of the book and favored it with his evaluative note and encouraged me by writing his opinion about this humble paper.

The management of the Jamia Rabbani also deserves my thanks. It is the Jamia which took up the responsibility of publishing the book on such new issues of the Islamic community, the dearth of means and acute resourcelessness of the required funds notwithstanding. May Allah bless them all and accept them for the service of His religion, Islam.

Akhtar Imam Adil Qasmi
Jamia Rabbani, Manorwa Sharif,
7th Dil-Haj 1424 A.H

Translator's Foreword

Much as the book in hand is sufficiently self-introduced, and Maulana Mufti Zafiru Din Miftahi's introduction-cum-assessment, and, above all, the learned author's Prefatory Note introduces it well, leaving hardly any need for a further introduction and evaluation, still, I the translator of the book and a conscientious student of the Islamics, feel myself compelled to record my opinion and impressions of the book in a few words. Other reasons apart, I, as translator, had a fullest opportunity to go through the book more times than one, and have stayed with each and every word and sentence of it for a while, for it is a pre-requisite for a successful activity of translation from one language to another. So, before embarking on the study of the book, let it be known to the reader that this is a work on the Islamic jurisprudence which deals with a special branch of it, that is, *Fiqhul-Aqamiyat* (Jurisprudence for the Muslim Minorities). As being the case with almost all the areas of the Islamic jurisprudence, the *Fiqual Aqalliyat*, too, is too vast. With the emergence and rise of nationalism, socialism, and many other Godless *isms* which have disunited the Children of Adam into countless groups and classes, and are factually responsible for the plight and wretchedness humanity has long been suffering, the *Fiqhul Aqalliyat* has assumed quite new dimensions. The changed circumstances, according to the natural course of things, gave birth to newer and hitherto unexperienced and un-faced problems and issues which once again invited the attention of the Muslim scholars and jurisprudents to find out viable solutions to them in the framework of the scheme of life Islam has given the Muslims commanding them to live this worldly sojourn accordingly.

Islam, unlike all other religions and creeds, covers all the departments of the Muslims' life; it recognizes no difference between different areas of the human life. It does not resort to divide the human life into watertight compartments of the sacred and secular. To the Islamic ideology, the Law of Allah is as much applicable to the secular sphere of human life as to its sacred one. So, a Muslim is always Muslim, committed to live the life as commands him the law of Allah, apart from that which country he happens to live in and which piece of land the natural scheme of Allah has granted him to be his station for his earthly life.

Islam, precisely speaking, is the only religion of its kind. It is the only way of life which embraces most decisively all the manifold aspects of human existence-the spiritual and material, moral and physical, emotional and intellectual, personal and social. It is the conflux of this world and the Next, the meeting-point of the body, the mind and the spirit, where all the three unite to from a single reality, the basis of which is a real, living consciousness of Allah, the Supreme Being. Through this book the learned author has attempted to make a valuable contribution to the overall endeavors being made by solicitous Muslim men of Islamic learning towards solving the commoner ideological and social problems of those Muslims who, under varying reasons and motives, are living in different non-Muslim countries.

Quite obviously, a work of this small magnitude can not legitimately claim to be a completely satisfactory one leaving no need for any further investigation of the problems of the kind and their possible Islamic solutions. The book is neither the first nor the last one of its kind. Problems will arise and then will follow their solutions. What the present work possesses as its distinct feature is its direct and meticulous approach in assessing the problems and then to finding out solutions to them in the original and direct sources of the Islamic Shariat, the author of which applies his own knowledge and juristic ability to arrive at conclusions which, as far as I know, are nearer to the nature and temperament of the spirit of the Shariat. The author has ably done justice to the subject-matter of his book. More over, the style and expression the author has adopted is clear and direct, free from terminological and Fiqhi parlnce, in spite of the fact that the core subject of the book is Fiqh and jurisprudence. This book in fact is the expression of learned author's deep Islamic passion for the preaching of Islam and its teachings and the gist of his sustained and painstaking study. May Allah reward him best for his rendering a very timely service to the benefit of the Islamic community to keep it tied to its religious moorings.

It was a stroke of luck that for the English translation of the book the author's choice fell upon me. He commissioned me to undertake this onerous task. In deference to his express command, I decided to undertake the translation. Present English rendering is the result of my sustained and painstaking efforts spread over a couple of weeks.

* * *

The original of the present book is Urdu. The Urdu language, as a linguist knows it well, is a language of overstatement. This natural feature of it renders it more difficult and challenging for its translation into English, the language of the understatement. To put it differently, the Urdu and the English are diametrically different in nature from each other. Therefore, *Islamic solutions to the Muslim ideological and social problems in non-Muslim countries* is not a replica of the original Urdu. The literal translation would have conveyed no more than the outer shell of the original. Even so, I have tried my best to remain as faithfully close to the original Urdu text as possible. As a result, the translation is a faithful approximation of the source material.

The translation of the complete Urdu text of the source book has been attempted by me alone, and in this respect I owe no gratitude to any one else. For the comparison of the English material with the original Urdu, however, I owe my sense of indebtedness to my younger wife, Abida Saed, who despite doing her daily task of the domestic responsibilities associated with a housewife, unreluctantly helped me in more ways than one.

Mention must be made here of brother Maulana Abdullah Qasmi, who, in response to my request, proficiently typed the English and Arabic material. My profound sense of thankfulness is due to him.

- The English translation of the Qura'anic verses has, mostly, been taken from Abdullah Yusuf Ali. Yet wherever felt, the translation has been modified by me.

Towards the end of this foreword, I need hardly add that the responsibility for the material, the juristic views expressed in this volume and the references, furnished rests entirely with the author.

Md Ibrahim Khan
Monday,17/01/2011
Lucknow

بسم الله الرحمن الرحیم

Prologue

Islam is the only universal religion. Its teachings, which the Qur'an and the *Sunnah* fully enshrine, offer the fullest guidance for all ages of the human history on provision that we possess a wakeful heart and a watchful eye.

The revelation of the Holy Qur'an took place in a gradual manner. So came before the world the moral, and legal teachings of the *Sunnah* and *Seerah*. No denying of the fact that the reason of this gradation in the introduction of the teachings of Islam to its first addressees was their political and social background, and a gradual approach was adopted in consideration to their social and moral conditions. Had the Qur'an, as whole, alongwith all of its teachings concerning the social and moral reform of the Arabs, the first addressees, been revealed to them in a single attempt, they, most probably, would have failed to properly digest them and translate them into their practical lives. Therefore, Allah Tala, the Law-giver revealed the Qur'an at intervals. In other words, the primary benefit of revealing the Qur'an gradually in parts was to provide a timely guidance to suite the constantly-changing conditions in the aftermath of Haz. Muhammad's ascension to the Prophethood. This helped the Muslim society to develop itself according to the lines and scheme the Qur'an had laid down for the purpose.

It is generally believed that the injunctions and the teachings introduced during the earlier period of Islam were superseded by those that were introduced during the later periods of Islam. However, this concept of supersession is true only in relation to the ways and modes of worship, internal affairs of the Islamic State and the mutual dealings and affairs of Muslims. This rule by no way could be applied to the foreign affairs of the Islamic community and the structure, nature and framework of its relationships with non-Muslims. The kind of differences we notice in the injunctions pertaining to this realm and revealed in the earlier period and those revealed at a relatively latter period is more of the change of conditions than of *naskh,* abrogation and supersedence. So, this change is not to be termed and seen as abrogation and *naskh*. It has to be termed as *tatbiq*. The *faqih* and jurist is essentially required to deliberate what injunction is to be applied to a given set of circumstances. The *mujtahidin* of the earlier blessed phase of Islam are hardly expected to appear now. Still, the degree of distinction and a deeper perceptive juristic sense may be developed even today. Through this perceptive sense a *Faqih* may expectedly be able to go into depth and identify the degrees of the injunctions and then interpret and apply them to their correct, proper and changed backgrounds.

Prefatory Exposition

Three Periods of the Prophet's Age

With relation to the foreign affairs of the Islamic State and the Muslims' relationship with non-Muslims we have three models before us, all based on the three periods of the Prophet's blessed age. They are: the *Makkan* period(1)*Abyssinian* period, where the Muslims lived for a fairly good time(2),and the *Madinite* period(3). These three periods offer a fundamental guidance for all the political problems the Muslims may ever face in their present and future history. These three ages, precisely speaking, are in fact symbolic to thee sets of political conditions:

(1)**The Makkan Period:** The *Makkan* period of the Prophet's age symbolises the state of political powerlessness. In other words, the state in which the Muslim minority enjoys no political independence and is forced to live amidst the politically powerful, intolerant non-Muslim majority which subjets the Muslim minority to religious persecution, and the Muslim minority has least freedom to freely practise and follow the commands of Islam, or to organize itself into a religious community.

(2)**Abyssinian Period** This period symbolizes the state in which the Muslims minority has a fuller religious freedom to follow the tenets of Islam, enjoying a respectful position in the midst of a powerful non-Muslim majority; where the Muslims are also free to offer their national and political

صلی اللہ علیہ وسلم services to the State. In the age of the Prophet *Abyssinia* was under the rule of *Nagus*. Under the despotic rules like the Abyssinian one the general people have no role in the formation and running of the government except to follow what they are being dictated. But they are allowed to offer their political and military services to the government. The Muslims too stood included in the same general rule, as is evident from Haz. Zubair bin Awwam's military services he did offer to *Nagus* as a representative of the migrant Muslims at a critical juncture.

(3)**Madinite Period:** The *Madinite* period is the state of the Muslim political dominance. This too has two phases. The earlier phase is the period when the Muslim political power was in making, during which the Muslim majority had to conclude political and defence pacts with the powerful non Muslim majority of *Madina,* that is the Jews. Having concluded the peace pacts with different Jewish clans, who enjoyed an effective political and economic monopoly on *Madinah* and around, the Prophet and Muslims intended to neutralize the Jews and build the Islamic community with or without the Jewish cooperation and develop and strengthen into a strong unitary political power. So, in the first phase of the *Madani* period the Jews were also included as an important element in the social, political and defence arrangements of the city. In those pacts the Jewish majority was granted larger concessions and the Muslims associated great importance to the Jewish interaction and cooperation in matters of defense and management of the foreign affairs of the nascent Islamic State. This phase lasted for years, and the Muslims, by dint of their moral superiority, *dawah* endeavors and incomparable organisational abilities, got strengthened day by day. This phase was followed by the second one which marked the full political and economic dominance of the Islamic community over all other constituents of the *Madinite* population so much as that one group of the *Madinite* population was able to interfere with any matters of idministration; and the non-Muslim minority group, in spite of their full religious and economic liberty, were rendered politically powerless. This phase lasted till the end of the Prophet's blessed age. Thereafter, the Islamic State continued to expend geographically till the most part of the Arabian peninsula fell to the rule of Islam. As a result, the circle of Muslim society's political and defense relationships with non-Muslims in and outside the realm of the State of Islam got substantially narrowed down, its expansion in moral and social walks notwithstanding. In the post Prophethood age of the *Khilafat Rashidah* the age of the Muslim political dominance got even more expanded. The natural process of its expansion continued till the Islamic State turned out to be the largest political power of the world and governed the world for centuries as power unchallengebly strong.

Islamic Juristic Asset

The major part of our juristic heritage is the creation of the age of the Muslim political and economic dominance. Taking in mind the superior position of the Muslims, the men of the Islamic learning and those of exceptional juristic aptitude discussed the nature and scope of Muslim-non-Muslim relationship. Quite naturally, the *Fuqaha* could apply themselves and exercised their inferential and deductive capabilities only within the context of the state obtained in a world where the Muslim enjoyed a predominantly superior position, taking the term in its broader sense. It is perhaps for the same reason that the chapters on *Siyar*, Jihad *Sulh, Buyu*, *al-Hazar wal-Ibahah* etc. discuss almost the same type of problems and issues in the whole literature on Islamic jurisprudence, be it al-*Mudawwana* of the *Maliki* school, *al-Kharaj* of Imam Abu Yusuf, Zahir al Riwayah of Muhammad bin Hasan al-Shibani, al-Umm of Imam Shafie, *Fatawa Alamgiri Shami* or even *the Mujallatul Ahkamil Adliyah*, which is relatively latest and comprehensive work on the Islamic jurisprudence, Vis-a-vis the Muslim-non-Muslim relationship we encounter much the same discussion in almost the whole of the literature on Islamic *Fiqh*. In the age of Islamic political superiority over the world it was hardly conceivable that the history would repeat itself and the Islamic community would again be reduced to its *Abyssian, Madinite* and even *Makkan* periods. The Prophet had already pointed to the same صلي الله عليه وسلم situation in the following words:

بدأالاسلام غريباًوسيعود كمابدأ

Islam appeared in the state of strangeness; and soon it will get estranged again."[1]

A Substantial Difference

This is the line of differentiation between the general principles and the doctorinal tenets of the Qur'an and *Sunnah* and the *Fiqh;* deductions and inferences. In the generalities of the Qur'an and *Sunnah* a fuller and never-failing care has already been paid to the human problems emerging in varying ages of an ever-changing and ever-developing world. In the same unequalled peculiarity does lie the secret of the perpetuality of the teaching of *Qur'an and Sunnah*. The juristic inferences, on the other hand, are bound time and age and its particular social and political circumstances. They vary, and naturally so, as do the conditions and states, hence subject to constant changes. The jurists can hardly think beyond the limits of their age and time. As to the hypothetical situations, they too could be discussed only in the context of the conditions and situations similar to those of their own time and age. In the Hanafi school the hypothetical jurisprudence was a revolutionary step, but in later ages this branch of the *Fiqh* could hardy find the men of learning to take it forward. The general tendency of the *Fuqaha* was to envisage and discuss the problems and issues of their own time and much of their inferential capabilities was spent only in unravelling what they faced in their own times and climes.

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[1]. Narrated by Muslim, Mishkat chap. Al-Itisam bil Kitab wal-Sunnah p.29

The Core Subject of *Fiqhul-Aqaliyat*

For the present age, when the Islamic community in many parts of the world, stands devoid of political sovereignty, even without such a majority as to influence the non-Muslim states and nations, we can drive guidance, in matters of Muslim-non-Muslim relationships, and determine our stand towards the matters and problems only in the light of the three symbolic periods of the Prophet's blessed age. For our *Fiqhi* asset, as we have just put, can hardly offer any solution to Muslim problems in non-Muslim countries. There exist only some indications which are of substantial importance for the successors. The *Ulama* working on the *Fiqhul Aqaliyat* are required to make a fuller use of such indications as beacon light in walking the ways largely hither to untreaded.

Chapter First

Living in non-Muslim Countries: the Position of Islamic *Shariah*

In the present age a large number of the Muslims are living in the countries under the political rule of the un-Islam. In India alone the number of Muslims is not less than 300 millions, thus forming at least the fourth part of the country's total population. This is perhaps the largest number of the Muslim community living in a single country China's Muslim population is around 150 millions; 20 millions in United Russia; 2020 millions in Europe and over 8 millions live in the United State of America. In African countries like Tanzania, Uganda, Kenya, South Africa, and most countries of Asia such as Singapore, Sri Lanka, Nepal etc., a fairly large number of Muslims has long living. From many problems the first one to be discussed is to determine the position of the Islamic *Shariat* on staying and living in non-Muslim countries. To rephrase the problem, what about a Muslim's living in a country ruled by the laws other than law of Islam? This issue assumes even greater importance in regard to those Muslims who have shifted from their Muslim countries and the non-Muslim lands and have no wish to return to their Muslim countries. Is it tolerable for Islam that a Muslim seeks refuge and abode in a non-Muslim country to live under non-Muslim political dominance having abandoned the Muslim rule's circle of obedience? The origin of this question dates back to the earlier periods of the Islamic history. The founders of the four great schools of Islamic jurisprudence too faced this question. With the differing periods the question, however past much of its sensitivity and became less important as compared to the lost ages.

Two Basic Aspects of the Problem

To determine the position of the *Shariat* vis-s-vis this problem its two aspects have to be taken into account:

1) What are the political and legal conditions for a Muslim in a non-Muslim country in which a Muslim is living or wish to live? The difference of the political and legal conditions of a non-Muslim country shall eventually make difference to the position of the *Shariat* on the problem.

2) What are the reasons and motives of adopting a non-Muslim country as a place of living? The reasons and motives play a substantial role in making difference to the *Shariat* position on the problem in hand.

Classification of the non-Muslim Countries

To the *Fuqaha,* the first aspect of the problem is of substantial importance. From this viewpoint the *Fuqaha* classify all the non-Muslim countries into three categories, each one having the specific rules of its own. In the *Fiqhi* literature we find very elaborate discussions of the problem. A comprehensive summary of such discussions follows:

1) In the first category fall those non-Muslim countries where an observant Muslim is bound to face unbearable difficulties in

> following the tenets of Islam and in adhering to Islam as his religion and faith, where he and his descendants stand exposed to serious danger with reference to their being, property and honor; where exists no surety of their faith and religion. In other words the countries which do not admit to the right to religion and the religious persecution holds sway there, which do not permit the Muslims to live a religious life there. That is to say, the Muslim shall be exposed there to conditions very much similar to those obtained during the *Makkan* phase of the Prophet's blessed age. Visiting such countries or living there is not permissible for a Muslim, and on this count there exists little difference of opinion in the *Fuqaha*. The Muslim living there since earlier and have power and means to move from such country to a Muslim or at least, to a peaceful country are essentially required to move away from such a land to a better one.[1]

The Shafies however, exempt from this general rule the Muslims whose stay in the midst of such extremistic non-Muslims holds great expediency for the Islamic community, provided that they are able to guard their Faith and honor and prepared to face the danger and sufferings they receive from the non-Muslims of such bigot character. To the Shafie viewpoint the stay of such believers amidst the non-Muslims not just is tolerable, but recommendably better.[3]

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[1] . Cf. Jassas: Ahkamul Qur'an, 3/228, Sharbini: Mughni al-Muhtaj vol.6 p.54, Imam Shafie: al-Umm vol.2 p.169, al-Mawardi: al-Hawi al-Kabir vol.18 p.311, al-Nawavi: Roztul Talibin vol.7 p.474, Bahuti: Kasshaful-Qana 3/43, al-Mardawi: al-Insaf 4/121, Next Ibnul- Murtaza: al-Bahrul-Zakkhar 6/266, Shukani: Nailul-Awtar, Atfish: Sharh al-Nail wa Shifaul Alil 7/551, IbnHazam: Al-Muhalla vol.11 p.200, Imam Malik al-Mudawwanatul-Kubra 5/565, Ibn Rushd, Muqaddamat with al-Mudawwanatul Kubra vol.9 p.3159

In fact, the Shafei viewpoint is based on the following verse:

إن الذين توفّاهم الملئكة ظالمى أنفسهم قالوافيم كنتم؟
قالواكُنّامستضعفين فى الأرض, قالواألم تكن أرض الله واسعة
فتهاجروافيها,فاؤلئك مأواهم جهنم وساءت مصيرا

"When the angels take the souls of those who die in sin" against themselves, they say: In what (plight) were you?" They reply:" Weak and oppressed were we in the earth". They say:" Was not the earth of Allah spacious enough for you to move yourselves away (from evil)"? Such people will find their abode in Hell. Evil indeed is that abode."[4]

This blessed verse of the Qur'an declares it a great sin and worst type of wrong for a Muslim to live in a country and place where he is unable to protect his faith and religion and lead a life of religious observance according to the demand and dictates of the *Shariat*, and he possesses means to leave such a place and move to a suitable one.[5]

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[3]. Cf. al-Sharbini vol.6 p.54 al-Mawridi, al-Hawi vol.18 p.111, al-Haithami, Tuhfatu Muhtaj, vol.4 p.211

1. S.4 v.97

2) In the second category fall such non-Muslim countries which do not permit their Muslim subjects to follow the law and the teachings of Islam. In other words, the countries and places where the Muslims can not openly live as Muslims; where they have to live only as a weaker, powerless minority, where their lives, property and honor are always at stake, and, on the other hand, they have no means or place to move out and live there as Muslims. In short, they are constrained to live in some non-Muslim country. The Muslims of such countries are not obliged by law to migrate from there. By their living in such countries they shall incur no sin at all.[6] This view is also based on the next verse of the same context.

إلاالمستضعفين من الرجال والنساءوالولدان لايستطيعون حيلة ولايهتدون سبيلا, فاؤلئك عسى الله أن يعفوا عنهم, وكان الله عفوّاً غفورا-

"Except those who are really weak and oppressed–men, women and childreni–who have no means in their power, nor (a guide post) to direct their way. For these, there is

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[1] Zamakhshari, al-Kasshaf, vol.1 P.555

[6] . Cf. Jassas Ahkamul-Qur'an vol.3 p.228, Fathul Ali al-Malik, vol.7 p.375, Sharbini, Mughni al-Muhtaj vol.4 p.339, Muwaridi, al-Hawi al-Kabir vol.18 p.111, Buhuti, Kasshaf al-Qana vol.11 p.200, al-Bahrul Zakkhar (of Ibnul-Murtaza vol.4 p.469,Ibn al-Miftah vol.4 p.575

hope that Allah will forgive: for Allah is the Granter of Pardon, Most-Forgiver.[7]

The verse N.98 exempls the weak, oppressed and meanless people from the migration. This exemption will remain applicable until such people find a way out from this tormenting state of affairs and the things improve.

3) The third and last category is of those non-Muslim countries where the Muslims live as a protected minority enjoying the full religious liberty, satisfied about themselves and their future generations' faith and religious orientation. Adopting such countries as a place of permanent living is a subject of disagreement amongst the men of Islamic learning and jurisprudence. These opinions are as follows:

1) According to Maliki jurisprudents, and also to the Shafies according to one narration, the Muslims are not allowed to enter such countries, let alone living there permanently. If the Muslims living in such countries have means to move from there to a Muslim country, they must do so at the earliest.[8] (In short, the Malikites are absolutely opposed to adopting the non-Muslim countries for living, irrespective of that the Muslims there enjoy freedom

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[7]. The Qur'an S.4 v.98-99

[8]. Imam Malik, Al-Mudawwanatul Kubra, vol.5 P 1565, also Ibn Rushd, al-Muqadamat with al-Mudawwana al-Kubra vol.9 P3159

to live as Muslims according to the demands of Islam or not.

2) The second opinion is of permissibility. According to this view, it will be lawful for Muslims to live in such countries, and they are not asked by law of Islam to move away from there. This is the view of the Hanafis and the Hambalites, and the Shafies too subscribe to the same opinion.[9]

Arguments in favour of Impermissibility

The *Fuqaha* who strongly adhere to the view impermissibility of the Muslims' living in non-Muslim countries, irrespective of their types according to the classification put above, base their view on the following *ahadith* and narrations:

صلی اللہ علیہ Haz. Muaviya reported the Prophet to have said:**وسلم**

لاتنقطع الهجرة حتى تنقطع التوبة, ولا تنقطع التوبة حتى تطلع الشمس من مغربها۔

The *hijrat* shall not discontinue till the *taubah* continues: and the *taubah* shall not discontinue until the sun rises from the where it sets.[10]

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[9]. Cf. Jassas, Ahkamu Qur;an vol.2 P.305, Illaus Sunan vol. 12 p361, Bahuti, Kasshaful Qana vol.3, P.44, Ibn Taimiya: al-Fatawa vol.4 p.280, Nawawi: Rozatul Talibin, vol.7 p.474 Sharbini, Mughni al-Muhtaj,vol,6 P.54

[10]. Abu Dawud, al-Jihad Had. N.2462 Abdur Rahman al-Banna, al-Fathur-Rabbani li Tartib Musnad Imam Ahmad bin Hambal vol.20 P296

Haz. Abdullah al-S'adi reported the Prophet to have said:صلي الله عليه وسلم

لاتنقطع الهجرة ماقوتل الكفار (وفى روايۃ) لاتنقطع الهجرة مادام العدوّيقاتل

The *hijrat* shall continue as long as the fighting with the disbelievers is in force.[11]

What we gather from such narrations is that the *hijrat* is a constant act and shall remain in force till the advent of the day Judgment. Undeniably, such narration addresses the Muslims living in non-Muslim countries. According to the meaning and content of such narrations the Muslims are always required not to stay in non-Muslim countries. If they ever happen to be in countries of non-Muslims they must move to Muslim countries. This narration could safely be construed as commanding the Muslims of non-Muslim countries to leave them and move to elsewhere to the Islamic world. Then how the Muslims of a Muslim country could be allowed to adopt the world of un-Islam as a place of living having abandoned their native Muslim countries. However, almost all such countries are not so much good from the technical viewpoint taking from both aspects of transmission channel and methodical argumentation, and therefore unfit, as observed Ibn

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[11]. Cf. Baihaqi, al-Sunanul-Kubra, Siyar, vol.P18 al-Fathur Rabbani litatib Musnad Imam Ahmad b. Hambal, vol.20 P.295, Chap.al-Baiat, Had.4183-4184

Khuzaima, a celebrated *Muhaddith*, to serve a reliable base for such a crucial proposition.[12]

Still, assuming those narrations to be correct and arguable, we may say that they are applicable only to such non-Muslim countries as deny the Muslims their right to religious freedom, where the religion, faith, life, property, and honor all are always in constant threat, provided the Muslims possess power and means to leave such countries and the Islamic world is prepared to welcome them. By no way such narrations could absolutely be applicable to all non-Muslim countries, for there exists a good number of such narrations as permit the Muslim to live in non-Muslim countries.[13]

Second Argument

The second argument has been premised on such *ahdith* and narrations which seek disallow the believers to stay in the midst of polytheists and idol-worshipers and ask the Muslim to stay away from them. To cite a few of such ones here:

انا برئ من كل مسلم يقيم بين أظهر المشركين, قالو يارسول الله وَلِمَ" قال: لاتترايا ناراهما۔

I disavow every Muslim staying amidst the polytheists. Why so, (and how far they should stay from each other)"? asked the companions.:" so far as not to see the fire of each other," the Prophet صلى الله عليه وسلم explained.[14]

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[12]. Shamus Haq Azimabadi: Awnul Mabud, vol.7 p.156, Shukani: Nailul Awtar, vol.8 p.26 Ibn Hajar: Tahzib al-Tahzib vol.5 p.154 Dahabi, Mizan al-Itidal pp. 241-44

[13]. Cf. San'ani, vol. 4P.86, Mubarak Puri: Tuhfatul-Ahwazi vol.5 p.215

لا تساكنوا االمشركين ولاتجامعوهم، فمن ساكنهم أوجامعهم فهو مثلهم۔

من جامع المشرك وسكن معه فإنّه مثله۔

"Stay not with polytheists, nor assemble with them. One who stayed or assembled with them, shall be regarded as are they,"

The next version of the narration is almost the same, except that it uses the singular verb form.[15]

Such narrations too disallow the Muslims to stay in the midst of the non-Muslims. But this too has been discussed much and proved unfit to serve the purpose. Apart from the technical problems with them, as more than one links of their transmissional channels have been held intolerably weaker by the technical experts of the science of *hadith*, they are being used for establishing the impermissibility almost completely detaching them from their proper contextual backgrounds.[16]

Granted the narrations of this type are correct, they by no way could absolutely be applicable to all non-Muslim countries; their applicability would remain confined only to such countries which do not permit the Muslims to follow the religion of Islam and live accordingly, and the Muslims of such countries have no other option than to leave such countries. The contextual background of the last *hadith* is supportive of our observation and makes the meaning of it quite clear.

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[14]. Cf. Tirmizi, Siyar Had, n.1654, Abu Dawud, jihad, Had. N. 2628 Nasai; Qasamah, had. 4794

[15]. Cf. Baihaqi al-Sunan al-Kubra, Siyar vol.9 p.18 Tirmizi with Tuhfatul Ahwazi vol. p.230, Abu Dawud Jihad, Had. 2770

[16]. For the technical weakness the Mizanul Itidal al-Zahbi, vol.1 p.184, vol.4 p.75, Tahzibul Tahzib Ibn Hajar Asqalani vol.7 p.27, al-Majmu fil-Zuafa wal-Matrukin of Abdul Aziz a-Sirwan p.283, and 116-442 and Awnul Mabud of Shamsul Haq Azimabadi vol.7p.447 may particularly be referred to- Ed.

To put it here," The Prophet صلى الله عليه وسلم dispatched a punitive expedition to the tribe of Khus'am. Faced the *Mujahidin*, the *Khus'ami* Muslims fell into prostration as a sign of their being Muslims and to protect themselves from the swords of the *Mujahidin*. But, unfortunately, this proved of no avail. Unaware of that the *Khus'mis* were Muslims, the *Mujahidin* put them to sword. This unfortunate mishap was communicated to the Holy Prophet صلى الله عليه وسلم ,and he ordered that one half of the blood-many for each and every casualty should be paid. Then, in order not to let such unfortunate mishaps take place again in future, the Prophet صلى الله عليه وسلم issued the warning of under discussion[17]

A Rational Argument

From the supporters of the view put above a rational argument is also expounded to strengthen their standpoint. This argument goes as: leaving a Muslim country and adopting a non-Muslim country as a permanent place of living would mean that a Muslim is willingly submitting himself to non-Islamic laws taking himself out of the sway of Islamic *Shariat* and quite obviously, this thought is totally opposed to Islam and a Muslim could not normally be allowed to do so.[18]

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[17]. Cf.Jamial-Tirmidhi with Tuhfatul-Azwazi vol.5 p.229

But this argument has lost much of its significance in the modern world, The right to freedom of religion has got a universal acknowledgment and all the countries of the world have included the right to religious freedom in the list of the fundamental human rights of their constitutions, and almost all the countries allow all their citizens to follow the religion of their own choice. In the modern world a Muslim may live in any country, and lead his in accordance with the tenets and teachings of Islam. Living in a non-Muslin country, a Muslim may be influenced, at the most, by the economic affairs. But the larger part of such affairs is hardly opposed to the teachings and the law of Islam and the task to bring conformity between the Islamic economic affairs and those of the modern secular system is not much harder.

The experience tells that the Muslims living in non-Muslim countries follow the teachings of Islam far more whemently than those of the Muslim countries. Inordinately clung to the religion of Islam, its tenets and teachings, the Muslims of the non-Muslim countries are lovingly and passionately attached with Islam, while, in sharp contrast,a large number of those of the Muslim world only traditionally and spiritlessly stand associated with the religion of Islam

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[1] Muqaddamat Ibn Rushd with al-Mudawwanatul Kubra vol.9 p.3159, al-Mudawwanatul Kubra of Imam Malik vol.5 p.1565

Arguments of Those Holding the View of Permissibility

The majority of the *Fuqaha* holds the view of permissibility. This view rests on the following important and sound bases:

لا هجرة بعدالفتح، ولكن جهادونية، وإذااستُنفِرتُم فانفروا۔

This *hadith* has been reported by Haz. . He reported رضي الله عنهما Abdullah bin Abbas to have said on the صلى الله عليه وسلم the Prophet day of conquest of *Makkah*:

"(The command of) *hijrat* is no larger in force after the conquest of *Makkah*. The *jihad* and the intent of *hijrat,* however, are still on. So, whenever you are asked to get marshalled to undertake jihad in the cause of Allah, follow the command."[19]

This *hadith* makes it clear that after the conquest of *Makkah* when in the most part of the Arabian peninsula peace and order was established and there remained hardly those elements as might subject the Muslims to religious persecution or hinder any body from embracing Islam or following it, the command of *hijrat* to *Madinah* was abrogated. According to Hafiz Ibn Hajar the last ruling is not limited to the city of *Makkah,* indeed it is equally applicable to all the places and countries where a Muslim is freely able to perform his religious obligations without facing obstructions.[20]

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[19]. Cf. Bukhari, Jihad, had. N.3077, Muslim al-Imarah, Had.4803

[2.] Fathul-Bari (commentary on al-Bukhari) vol.6 pp 233-34

Explaining the meaning of the *hadith* under discussion, Imam Khattabi and Shukani say that since in the earlier days of Islam the Muslims were scattered and less in number, it was, therefore, the need of the hour to gather them at one place and make, thus, a united front of the Faithful to face the combined force of the unbelief. To achieve this important objective all those embracing Islam at *Makkah* or elsewhere, before the conquest of *Makkah,* were transitionally commanded to migrate to *Madinah*. But when the number of the Muslims increased considerably and they turned able to establish themselves at *Madina* as a political power to be reckoned with, of which the conquest of *Makkah* was a symbolic demonstration, the command of the *hijrat* was abrogated.[21]

→ Before the conquest of *Makkah* the Prophet صلى الله عليه وسلم permitted some of his companions to stay at *Makkah* in the midst of the pagans, for example, his uncle Haz. Abbas bin Abdul Muttalib رضي الله عنه, not withstanding the fact that at that time *Makkah* was a *Darul-Kufr*. It is because of that Haz.Abbas was not feared to fell to the tempting offers or the persecutive tactics of the pagans, thanks to his personal position and the reliable familial support. This establishes the ruler that a Muslim may live and stay in a non-Muslim country if he is sure about the safety of his faith, life and property.[22]

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[21]. Cf. Al-Khattabi: Ma'alim al-Sunnah vol.2 p.203, Shukani: Nailul Awtar vol.8 p.26

[22]. Cf. Imam Shafie: al-Umm vol.2 p.169, Ibn Qudama: al-Mughni vol.10 p.55, al-Baihaqi: al-sunanul Kubra vol.9 p15

About Haz.Abbas, however, it may be said that he was unable to undertake the *hijrat* to *Madina*. Therefore, he stood exempted from the command of *hijrat*.

→ Helpless in the face of the inhumane, tormenting persecution on the part of the pagan Quraishites, many companions of the Holy Prophet صلى الله عليه وسلم migrated to Abyssinia, then a Christian country, and adopted that country as a place of living. They stayed there until Allah Ta'ala made for them a way out. Some of them remained there even years after the Prophet's historic *hijrat* to *Madinah*. This all happened according to the will of the Prophet himself. The *Nagus* too embraced Islam and remained in his own country which, quite obviously, was a *Darul-Kufr* at that time. Needless to say, the *Nagus* did possess the required means and might to undertake the *hijrat* to *Madina Muawwarah*. Still he remained there as the ruler of his country under the permission of the Holy Prophet himself, and took his last breath there. After his death the Prophet صلى الله عليه وسلم offered his non-present funeral prayer and said:

Today died a man of the best character.[23]

مات اليوم رجل صالح-

→ Ata ibn Abi Ribah, a *taabie* of note, says that he in the company of Ubaid bin Umair, happened to have a talk with Haz.Ummul-Muminin Ayisha Siddiqa and requested her to explain the position رضی اللہ عنہا of *hijrat*. She explained as follows:

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[23]. Cf. Bukhari with commentary Fathul Bari vol.7 p.242, Book Manaqibul Ansar, Chap. Mautul Najashi, Had. No. 3877

"Now the command of *hijrat* stands abrogated. The *hijrat* was a religious obligation in the past when the Muslim were a subject to an extreme religious persecution on the part of the pagans. When the Muslim gathered round the Prophet صلی اللہ علیہ وسلم at *Madinah* and the religion of Islam established itself as a strong political power, the *hijrat* is no larger an obligation. Now a person is free to live anywhere as Muslim and worship his Lord. The jihad and the intent of *hijrat*, nevertheless, are still in force."[24]

Explaining the word of Haz.Ayisha رضی اللہ عنہا that she uttered in response to the question of Ata bin Rabia, Hafiz Ibn Hajar writes:

"Haz. Ayisha has pointed to the fact that the obligation of *hijrat* was not absolute in meaning and application. It was actually associated with the existence of the persecutive circumstances. The *hijrat* remained obligatory to follow until the cause remained existent. With the absence of the cause the obligation too shall disappear. Going by this rule, the Muslims now are free to live anywhere throughout the world where they enjoy a full freedom to follow the commands of Islam without obstruction. The Muslim living at such places are not obliged to leave and move out from them"[25]

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[24]. Bukhari with Fathul Bari vol.7 p.286, al-Baihaqi, Siyar vol.9 p.17

Shaikh Mawardi also subscribes to the same stand point. To quote his words:"

"If the Muslims are free in a non-Muslim country to follow the religion of Islam such a non-Muslim country shall share the ruling of the abode of Islam. Even the Muslims' living in such countries may be an act of greater virtue as compared to their living in Muslim countries for it carries more potential of the preaching of Islam than a Muslim's living in the countries of Islam.[26]

A careful and deliberate study of what has just been put makes it clear that the last standpoint, held by the majority of the *Fuqaha*, is stronger and preferable than the former one. Precise reasons follow:

→ The *ahadith* offered to prove impermissibility are not generally free from technical damages. Granted that they are technically sound, they might be applicable only to such non-Muslim countries, as it has already been put, which are not peaceful for the Muslims from the religious viewpoint.

→Today most of the non-Muslim countries stand substantially different from the past. The amount of importance they associate with the freedom of thought, religion and of expression is far too greater than what is available in many of the Muslim countries. There exist numerous Islamic institutions, –*Masjids*, religious semineris and the Islamic religious movements and organizations to serve the cause of religion without political or constitutional obstructions. Great men of Islamic learning who have reached there from different Muslim and non-Muslim countries under different reasons, are serving the cause of Islam attentively and conducting researches in different areas of Islamic knowledge. In such countries Islam and Muslims face no internal or external threat. Then, does it stand to reason to charge the Muslims of such countries with undertaking *hijrat* from there, or holding it unlawful for the Muslims to visit or living there by securing the citizenship of such countries? Granted the viewpoint of impermissibility to be correct, it will make it incumbent that all the non-Muslim countries be freed from Islam and Muslims. There could hardly be found even a single man of sane to have such an unwise view. More over, the hardships and unbearable difficulties, which the process of migration and the alternate placement shall unavoidably involve, are opposed to the nature of Islam which features the facilitation and easiness in the whole of the structure of its teachings and commands. To cite the Qur'anic wording in this regard:

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[25]. Ibn Hajar Fathul Bari, vol.7 p.290

[26]. Al-Mawradi: al-Hawi, vol.18 p.111

وما جعل عليكم في الدين من حرج۔

And He (Allah) has imposed no narrowness and difficulty on you in religion.[27] The same principle has been expressed at another place in the following words

يريدالله بكم اليسرَولا يُريدُ بكم العُسر۔

Allah wants ease for you, and don't want hardship for you.[28]

Staying in non-Muslim Countries: the Commoner Motives

An important aspect of the stay in non-Muslim countries is to determine the motives behind. Difference of motives will bring difference to the legal position of the *Shariat* on the proposition. There might be more motives than one which prompt the Muslims to move towards non-Muslim countries. The commoner ones are listed below:

Seeking Political Asylum

Sometimes a Muslim may face serious risk to his life, property honor even in his own 'Muslim' country, where he may be subjected to brazen injustice and oppressive methods. The secular Egypt, Syria and several other Muslim countries offer the most conspicuous example of this. Driven by such circumstances, a Muslim thinks expedient for him to live his own Muslim country and move to any other non-Muslim country to protect his life and

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[1] . 22:78
[28] . 2:185

property and live a life of peace and prosperity. Faced with such conditions, a Muslim is permitted to choose a non-Muslim country for his living. While choosing a non-Muslim country for the purpose of living, a Muslim shall, however, be required to take into account the following things

(a) The non-Muslim country chosen must be allowing him to follow the religion of Islam quite freely.

(b) The oppression and injustice towards him in his Muslim country has touched the last limit with no remedial possibilities and no Muslim, individual, group or country is prepared to lend him the support in an effective way

(c) In his new country of non-Muslims he must keep himself away from taking part in an act which that non-Muslim country intends to harm the Islamic community.[29]. The following *hadith* of the Holy Prophet صلى الله عليه وسلم supports whatever has just been put.

مَن فرّ بدينه من أرض الي أرض وإن كان شبراً من الارض استوجبت له الجنة.

The person who fled from a piece of land to another for the sake of his religion, even he had to walk only the length of a single span, Paradize is written for him.[30]

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[29]. Cf. Qurtubi: al-Jami li Ahkamil Qur'an, vol.5 p350, Ibnul-Arabi vol.1 p.485, Ibn Hazam: al-Muhalla, vol. 11 p.200

[30]. Al-Qurtubi: al-Jami li Ahkamil Qur'an, vol.5 p.347

An example of seeking political asylum is the followings: Walid bin Yazid threatened Imam Zuhri with his life about Hisham bin Abdul Malik taking a vow to put him to death. Frightened, Imam Zuhri set his determination to leave the world of Islam and seek with Rome the political asylum. Yet the things appeared differently. Imam Zuhri passed away before the death of Hisham.[31]

Migrating to a non-Muslim Country with the Intention to harm Muslims

Seeking abode in a non-Muslim country with an intent to harm the Muslims and work against the larger interests of the Islamic community, merely out of his love and friendly relationships with the non-Muslims and lending his support to them against Muslims indeed will be an act of terrible sin. For the person of such intent it will be forbidden to seek an abode in a non-Muslim country.[32]

This rule has explicitly been laid down by the Qur'an itself in the following eternal words:

ياأيهاللدين آمنوالاتتّخدوااليهودوالنصارى أولياء، بعضهم أولياء بعض ومن يتولّهم منكم فإنّه منهم انّ الله لا يهدى القوم الظّالمين .

O those who believe! Take not the Jews and the Christian for friends and protectors. They are but friends and protectors to each other. And one who from you that turn to them (for friends) is of them.[33]

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[31] . Ibn Hazam: al-Muhalla, vol.11 p.200

[32] . Op. cit.

3. 5: 51

Seeking an Abode for Temporary stay in a non-Muslim Country with Business or Work Purposes

Sometimes a Muslim needs to stay in or visit a non-Muslim country with business or work purposes. This purpose may have more modes than one. To list them here briefly:

(a) In his own Muslim country there is an acute dearth of the primary means of living and in search of economic means one finds oneself constrained on moving to a non-Muslim country. According to the majority of the *Fuqaha,* a Muslim is permitted to seek and abode in a non-Muslim country or visit such countries for this purpose.[34]

This ruling is based on the following verse of the Qur'an:

هوالّدي جعل لكم الارض ذلولاًفامشوافي مناكبهاوكلوامن رزقه وإليه النشور-

It is He Who has made the earth manageable for you, so traverse you through its tracts and enjoy of the sustenance which He furnishes. And unto Him is the Resurrection[35].

Quite obviously, traversing through the tracts of the land by no means is restricted to one or some places or countries. It is applicable to the earth as whole.

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[1] Surakhsi: al-Mabsut, vol.10 p.88, Ibn al-Arabi Ahkamul Qur'an vol.1 p.515, al-Buhuti Kasshaful-Qana, vol.3 p131, al-Qurtubi al-Jami li Ahkamil Qur'an vol.5 p351

[35] . 67: 15

(b) The primary means of living are available and one is not hit by repeated conditions of starvation. Yet, one wants to improve one's and one's family's economic condition. For this purpose too a Muslim is permitted to migrate to a non-Muslim country.[36]

The following verse of the Qur'an is the base of this rule:

ليس عليكم جناح أن تبتغوافضلاً من ربكم۔

It is not a crime in you that you seek of the bounty of your Lord (during pilgrimage).[37]

(c) Abiding in a non-Muslim country for business purpose, to the majority of the Fuqaha it is also lawful.[38]

Imam Malik and Imam Ibn Hazam, however, differ from this opinion. To their viewpoint, the worldly purposes are not so important as to render a Muslim's migration from a Muslim country to a non-Muslim one as lawful.[39]

The former viewpoint–held by the majority of the *Fuqaha* – is based on the fact that in the blessed age of the Prophet some companions journeyed to the non-Muslim countries for business purpose and the Prophet صلی اللہ علیہ وسلم did not expressed his disapproval of their's so doing.[40]

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[36]. Ibn al-Arab: Ahkamul Qur'an vol.1 p.486, Qurtubi, al Jami li Ahkamil Qur'an vol.5 p351

[37]. 2: 198

[38]. Surakhsi: al-Mabsut. Vol.10 p.88

[39]. 1 Ibn Rushd al-Maliki, vol. 9 p.159, Ibn Hazm vol.11 p.349
2. Shaikh Muhammad Qahtani: al-wala-wal-Bara. fil Islam p.79

In the present age most of the Muslim countries stand extremely backward in the field of business and industry. This dismal dictates that the Muslim business personnel should visit and stay in developed non-Muslim countries so as to learn and develop business acumen.

Another important benefit of the business trips to non-Muslim counties is that the Muslims' honest and fair business ties and behavior with non-Muslims are expected to impress the non-Muslim world and help it build a positive opinion of Islam and Muslims. This may open great possibilities of the Islamic *dawah* there and win the hearts of non-Muslims for Islam. In the past it was the business for which the great Muslim caravans traversed through different countries of the world and were able to carry and communicate the message of Islam to the non-Muslims at large. Business purpose is a very significant means of *dawah* and holds good event today. Losing such a useful and experienced means of *dawah* will be utterly unwise:

Staying in a anon-Muslim country to serve a d)(purpose of a Muslim country there, for example, a person is being deputed as an ambassador/ high commissioner, etc., at a non-Muslim country, or one has to visit and stay in a non-Muslim country as, a press representative. All such types of a Muslims stay in non-Muslim country are included in the permitted forms. This too is subject to the following conditions.

→ This stay carries a real good for the Muslims and, in the long term, is not harmful to the Islamic community or its actual interest.

→ The job one has to carry out in a non-Muslim country as well as the methodology involved is not contrary to the norms of the *Shariat*.

→ The target non-Muslim country gives the Muslim a full freedom to perform the religious obligations without legal, social or political obstructions.[41]

Temporary stay in the capacity as student

Today the knowledge and learning has assumed diverse forms, and the newer areas of knowledge have also been conquered, particularly in the walk of industry and medical sciences. The Muslims stand in earnest need to learn them and thereby to reach to the highly educated and professional class of non-Muslims. Only then the Muslims may be able to apply those branches of the human learning for the good of Islam and the Islamic community. Equipped with the latest branches in natural and medical sciences, the western nations have visibily built and established their supremacy over the rest of the world, and throughout the world no nation is found to challenge the western supremacy in the areas of knowledge, of natural sciences and medical sciences. The Muslims stand in earnest need to learn those sciences from the western nations in order to

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1. Imam Abdul Halim Mahmood, Fatawa, vol. 2 p 472, Dr Ahmad Jamal, vol. 1 p.240

develop themselves and build up their position in terms of material means and might in the comity of the nations of the world. Only by equipping themselves with the modern, latest, and useful branches of the scientific studies, which for the time being have unfortunately been applied for destructive ends, may be able to use and apply those sciences for spiritual and noble ends.

Islam is the first ever school and the Prophet is the first teacher and صلى الله عليه وسلمMuhammad instructor of humanity. He laid special emphasis on the importance of knowledge and adopted every possible means to promote it. Expressing the importance of the journey to be undertaken for the صلى الله acquisition of knowledge, the holy Prophet said: عليه وسلم

من خرج في طلب العلم فهوفي سبيل الله حتى يرجع.

“The person who left his home in quest of knowledge shall remain in the cause of Allah till he arrives back”[42]

In the *hadith* the term *ilm* (knowledge) refers to the knowledge beneficial, the religious knowledge, in the broader sense, is the pre-eminent constituent of it. As the secondary meaning, the term, however includes every branch of human knowledge established on sound and permissible foundations and premises, meant for the welfare and benefit of humanity, with potentials to be used for the constructive ends of Islam and Islamic community. In respect to the modern scientific knowledge, specially in the scenario of the

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[1]. Tirmidhi, chap. Merit of the acquisition pf knowledge, Had. N.2785

requirements of modern age, the journey to non-Muslim advanced countries in quest of knowledge should be recommendable rather than permissible.

This, however is subject to a number of provisions:

(1) The knowledge for the quest of which the journey to a non-Muslim country is being undertaken is useful for the Islamic community and it stand in need to it to serve its secular and social objectives.

(2) The knowledge intended is not opposed to the expressed and implied general principle of Islamic *Shariat*.

(3) In the host country satisfactory arrangements of religious and ideological orientation are available.

Journey and Stay in a non-Muslim Country for the Propagation of Islam

The permissibility of the stay or journey to a non-Muslim country with the intention to communicate the message of Islam to non-Muslims there is beyond contention. In the past it has been a very successful means of propagation of Islam. Our pious predecessors left their homelands and stayed in non-Muslim countries and through their moral integrity and excellent works of human service won the hearts of their target audience. This way the message of Islam was successfully communicated to the world at large.

Communicating the message of Islam to the world at large constitutes a common obligation of the Islamic community. To this effect the Holy Qur'an says:

وما كان المؤمنون لينفرواكافة, فلولانفرمن كل فرقة منهم طائفةليتفقهوافي الدين, وليُنذرواقومَهم إذارجعواإليهم لعلهُم يحذرون-

"It was not necessary for the believers to go forth all together (to receive religious instructions), then why did not a party of them go forth that they may grow in religious understanding, and that they may warn their people when they return to them, so that they may avoid (wrongful attitudes).[43]

This religious obligation dictates that a number of the Muslims is always in need to undertake journies and to stay in non-Muslim countries for the end of the propagation of Islam and communicate the teachings of Islam to non-Muslims.

Journeying to non-Muslim Countries under Medical Purpose

In case the Muslim country does not have sufficient medical facilities, the Muslim patient is permitted to undertake the journey to and stay in a non-Muslim country.[44]

Recreation and Entertainment Journey

Undertaking a journey to a non-Muslim country for recreation and entertainment purposes, or to meet one's relations and Muslim brothers-in-faith there and staying there for the purpose is

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[1] al-Taubah: 122

[2] Ftawa wa Rasail lil-Musafirin: (compiled by a group of Ulama) p.39

permissible according to the view held by the majority of the Muslim *Ulama* and jurisprudents.[45]

Recreational and entertainment journey, as such, is not impermissible by the *Shariat*; it may rather be commendable act in the eye of the Islamic *Shariat* if it is undertaken with a view to receive admonition from the study of varying natural phenomena scattered about everywhere across the world. In the course of one's journey one encounters the countless signs of Allah's omnipresence and omnipotence. This enhances one's belief in Allah and faith in the truth of Islam and the journeyer experiences the impermanence and instability of the world. Sometimes a journey may take one far ahead in respect of the high levels of the spiritual improvement. That is why the Qur'an asks the men to undertake journey to various parts and corners of the earth. To quote a single verse:

قل سيروافي الأرض فانظرواكيف بدأالخلق-

Say:' Travel through the earth and see how Allah did originate the creation.[46]

The world EARTH undoubtedly includes the non-Muslim countries as well. The earth is of Allah alone. It is He alone Who creates and brings all things to existence. If we actually go through this wide earth, we shall see the countless wonderful things in the creation of Allah— the Grand Conyon and the Niagaras in America, beautiful harbors like

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1. Ibnul-Arabi: Ahkamul-Qur'an vol.1 p486. Qurtubi: al-Jami li Ahkamil-Qur'an vol.5 p.350, Muhammad Aaithamin and Abdullah bin Baaz; al-Aqalliyatul Muslimah p.67

[46]. 20:29

that at Sydney in Australia, mountains like Fujiyama, the Himalayas, and Elburz in Asia, Nile with its wonderful cataracts in Africa, Fiords of Norway, the Geysers of Iceland, the city of the midnight sun in Tromsoe, and innumerable wonder everywhere.

However, those wishing to undertake the journey to the countries ruled and dominated by the non-Muslims shall be required to take into consideration the following things:

(1) Should restrict their recreational trips only to such countries and areas where they are sure of not involving, intentionally or otherwise, in things held as the acts of sin by the *Shariat*.

(2) Wasting of money and time has to be eschewed.

(3) The purpose of such journeys must be a permissible things in itself, for instance calling the people to Islam, visiting the Muslim brothers, taking part in academic and educational programs, or the study of natural phenomena, etc.

Chapter Two

Taking the Citizenship of a non-Muslim Country

In previous chapter the discussion centered round the legal aspects of a Muslim's visiting or living in a non-Muslim country under one's sacred and secular purposes, and determining the position of the *Shariat* on it. In the present chapter we will be discussing another point of vital importance. It is about a Muslim's taking the nationality of a non-Muslim country having abandoned the nationality of his Muslim country. The wording of the question may precisely be as follows:

"Is it permissible for the citizen of an Islamic state to apply for the nationality of a non-Muslim country and taking the citizenship of it, thereby letting himself live under the law of un-Islam as the citizen of that country"?

Determining the Sense and Meaning of Citizenship

According to modern legal theory, the 'citizenship' stands for special political and legal relationship on the basis of which devolve upon each of the State and the citizen some rights and responsibilities towards each other, and each one of the two is required to meet some demands and responsibilities to each of the State and the citizen. This constitutional relationship attributes the man's identity and his existence to the state whose citizenship and nationality one has taken, and the citizen henceforward is called American, Indian, British, Saudi, Egyptian, etc.[47]

Will a Muslim be permitted to snap the citizenship of his natal Muslim country and seek the citizenship of a non-Muslim country? Even more precisely, is a *Hijazi* permissible to introduce himself as an American or British having taken the citizenship and nationality of America or Britain?

Types of Nationality: the nationality is of two types. The natal nationality. It is of the country's to which the child's parents belong as its citizens. The child gets this type of nationality the moment he/she is born out and comes into being. This is a natural nationality and the child has nothing to do to get it.

The other type of nationality is that which is acquired by its means, the example, by marrying a girl of that country or by applying for it.

Then, it may happen that the nationality of the new country repeals its new citizen's former nationality. To explain, an Indian may get the British nationality. But the Indian's getting the British nationality will repeal his/her Indian nationality, and henceforward he/she shall be identified as British and not as an Indian. Actually, in this connection the laws differ from country to country. According to the law of Pakistan, for instance, a Pakistani national may get the nationality of any other country and still retain his Pakistani nationality. In other words, a Pakistani may have a dual nationality; in Pakistan he is the Pakistani and a Britain in Britinia. Actually, this is decided in the light of the agreements and accords between the countries how the citizens of a country are to be treated in matters related to nationality and citizenship.

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[47]. Al-Jinsiyah fil Shariatil Islamiyah p.13, Abdullah Gilani: Uloomus Shariat wal-Qanun p.152

Once a person gets the nationality of a non-Muslim country, he/she becomes entitled to all those rights and privileges to which a natal citizen of that country is entitled. He/she may take part in the formation of the government there, may get a job in public and private sectors and may enter into the economic competition as fully as do all others who are the original citizens of that country. He may purchase lands and properties there. In short this new citizen gets all privileges and rights which a citizen as such should have. The latter country has no right according to the international laws to expel this citizen even when it is at war with the country to which he/she once would belong. Side by side this, there are some duties and demands which do devolve upon him/her and he/she shall be required to fulfill them towards the country as its citizen. He may be asked to make himself available for military services when the circumstances so call for. The citizenship, on the other hand, will entail that he respect and obey the constitution of the country and pay timely the prescribed taxes.[48]

The detail put above was intended to open the way for the understanding of the real nature of

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[1] . Cf. al-Ahkamus Sultaniyah lil-Aqalliyatil Muslima p.78-79, and al-Huquq wal-Hurriyatis Siyasiya p.63-64

the problem and the position of the *Shariat* on it. This problem is one from among those engendered by the modern age. The geographical divisions, a tight system for their security and guarding and the nationalities and citizenship of the countries and the related issues have now gained the amount of importance which hither to remained inexperienced. In the past there existed little rules to govern the entering and living in a country. People would undertook journies from one country to another with no legal barriers either and dwelt wherever they pleased. The concept of nationality and citizenship hardly existed in the past. This complex concept has come to develop only in context of the modern international laws. The ancient Fiqhi literature has touched it only marginally; a systemic treatment of the problem is not available there. The contemporary men of Islamic learning and expert scholars, however, have been discussing it along with the related issues.

Two differing viewpoints:

A study of what has generally been produced by the contemporary *ulama* puts before us two different viewpoints concerning the problem. The gist of important writing follows:

(1) To a class of the *ulama* (mostly from the world of Islam and Arab), the living of a Muslim in non-Muslim countries amounts to apostasy and leaving the fold of Islam. Such *ulama* are of the opinion that to such people the ruling related to the apostates should be applied.[49]

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[49]. Muhammad Rashid Raza: al-Fatawa, vol.5 p.1750

This group of the *ulama* includes the following important men of Islamic scholarship:

- Shaikh Md. Rashid Raza (Egypt)
- Shaikh Md. Yusuf al-Dajwi
- Shaikh Md. Shakir
- Shaikh Idris Sharif Mahfooz

The first three were associated with the *al-Azhar* and were held in high esteem by the world of Islam. The fourth belonged to Beirut, where he occupied the position of the Grand Mufti.

- Dr Md. Abdul-Karim al-Jazairi.[50]

According to the other standpoint, contrariwise, a Muslim's living in a non-Muslim country is by no means an act of apostasy; it constitutes a disobedience. This view is held by Shaikh Mukhatar al-Salami member of the Majmaul-Fiqhil Islami,[51] And Shaikh Muhammad bin Abdullah bin Suhail, who, besides being the Imam of the Masjidul Haram, is a prominent member of the Council of the Grand Ulama of Saudi Arabia.[52]

The same viewpoint is held by the chief Fatwa authority of the Saudi Arabia.[53]

(1) Other group of the *ulama* holds the view of permissibility. Then the *ulama* subscribing to this view too have differed into two groups each holding a view differing from the other.

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[50]. Hukmul-Tajannus bi Jinsiyati, Dawlatin ghair Islamiya p.71-97 Tabdilul-Jinsiya Ridda wa Khiyanah p.27

[51]. Mujallah al-Fiqhul Islami vol.2 p.1156

[3]. Hukmul Tajannus I Jinsiyati Dawlatin ghair Islamiya p.113

[4]. al-Lajna al-Daima lil Buhus wal-Ifta, vol.12 p.58

One group holds that the permissibility is (a) conditional with the circumstances calling for it. This view is held by *Shaikh* Ahmad bin Ahmad al-Khalili, Public Mufti of the *Sultanat* of Oman and the member of Islamic *Fiqh* Academy. The Egyptian *Darul-Ifta* too has issued the Fatwa according to the same view.[54]

(b) The other viewpoint is of permissibility. And it is the circumstances and motivation which may bring changes to the nature of the original rule. The majority of the contemporary men of Islmaic learning subscribes to the same view. To name here only a few of them.

- Dr. Md.Yusuf al-Qardawi (his fatwa is available on his personal website. See (www.qardawi.net).
- Dr. Md. Rafat Usmani, Principal the Collage of Shariah and Law, al-Azhar University, Egypt.
- Dr. Wahba al-Zuhaili.[55]
- Muti Taqi Usmani, etc.[56]

Arguments to Support the View of Impermissibility

Those who hold and support the view of impressibility bring forward the following argument:

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[1]. Fatwa No.889 (2000)

1. Fiqhul Aqalliyatil Muslima ٫ p.609

[2]. Buhuthun fi Qazaya Fiqhiya Mu'asara p.320

الم تر إلى الذين يزعمون أنهم آمنوا بما أُنزل إليك وما أُنزل من قبلك يريدون ان يتحاكمواإلى الطاغوت وقداُمِرواان يكفروابه ويريدالشيطن أن يُضِلّهُم ضلالاًبعيدا۔

Did you not turn your vision to those who think that they believe in what is revealed to you and what has been revealed before you. They wish to take their disputes for judgment to the *taghut* (the evil one), and they are commanded to disbelieve and reject him. And Satan wants to lead them astray, far away from the right.[57]

The word *taghut* mentioned in the verse refers to any system of law opposed to the Islamic *Shariat*. Taking the nationality of the non-Muslim country indubitably amounts to coming out of the Islamic authority and placing oneself under an un-Islamic system. This is obviously a serious form of deviation from Islam.[58]

ومن يبتغ غير الإسلام ديناًفلن يُقبَل منه وهو فى الأخرةمن الخاسرين۔

"If any one desire a religion other than Islam (submission to Allah), never will it be accepted of him; and in the Hereafter he will be of those who lost (the Eternal Success).[59]

Those who wish to leave the Islamic state, Islamic system of law and the Muslim superiority and adopt a non-Muslim country to live there, or those who are living in un-Islamic lands have been denounced by this verse.

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[3]. The Qur'an: al-Nisa: 60

[58]. Fatawa Muhammad Rashid Raza, vol.15 p.755

[59]. The Qur'an: 3:85

At another place the Qur'an has put the distinction between the believer and disbeliever in the following words:

فلا وربك لا يؤمنون حتى يحكّموك فيما شجر بينهم ثم لا يجدوا فى انفسهم حرجاً مما قضيت ويسلّموا تسليماً۔

"They never, by your Lord, can be the believers until they make you judge in all disputes between them, then find no resistance in their selves against your decisions, and accept them with the fullest conviction[60]

Explaining the verse quoted above, Imam Abu Bakr al-Jassas al-Razi writes:

"This verse speaks clearly of that the one who rejects any command of Allah or of His Prophet turns out of the fold of Islam regardless of that the rejection is practiced by entertaining a doubt about it or is intentional.[61]

Dwelling in a non-Muslim country is nothing but a sort of intentional running away from accepting the Divine commands.

Such verses too form the argument of this group as command the Muslims not to enter into friendly and cordial relations with the non-Muslims. In this context the following ones have generally been quoted:

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[60]. The Qur'an: 4: 65

2. Jassas: Ahkamul Qur'an vol.3 p.181

ياأيهاالذين آمنواالاتتخذوااليهودوالنصارى أولياء، بعضهم أولياءبعض, ومن يتولهم منكم فإنه منهم إن الله لايهدى القوم الظالمين-

“O those who believe! Take not the Jews and the Christians for your friends and protectors: they are friend of each other. And he who amongst you that turns them (for friendship) is indeed of them. Verily Allah guides not the people unjust.”[62]

ياأيها اللذين آمنوالاتتخذوآباءكم وإخوانكم أولياء إن استحبواالكفرعلى الإيمان, ومن يتولهم منكم فاؤلئك هم الظالمون

“O those who believe! Take not for protectors your fathers, and your brothers, if they love infidelity above faith. If any of you do so, they are the unjust.[63]

Both the above quoted verses lay it bare that the friendly relationships with non-Muslims and following them constitutes an open wrong and is an act of apostasy. Living in a non-Muslim country, intentional stay with them, establishing relationships with them indeed necessitates the obedience to un-Islamic laws prevalent there. Hence the stay of Muslims in a non-Muslim country is impermissible.

Beside the verses put above, there are some *hadiths* which too have been used by the adherent to this view to strengthen their standpoint. Such are the *hadiths* which express the Prophet’s extreme disapproval of a Muslim’s stay in the midst of non-Muslims. The Prophet صلى الله عليه وسلم, according to

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1. The Qura’an: 5:51

[63]. The Qur’an: 9.23

the phraseology of such *hadiths,* has completely disclaimed such Muslims as are living amidst the non-Muslims without legitimate reasons. From among such *hadiths* the following one is relatively clearer.

أنا برئ من كل مسلم يُقيم بين أظهرالمشركين۔

I disclaim every Muslim dwelling in the midst of the polytheist.[64]

The rational argument offered to support this standpoint goes as follows:

Staying in non-Muslim countries obviously necessitates the satisfying of all legal and constitutional requirements of those countries in which many items are opposed to the law of Islam. Moreover, a Muslim citizen of a non-Muslim country may sometimes be asked to offer himself for the military services. As a military man, he may have to fight against an Islamic country and slay the Muslims hand in hand with non-Muslim military men of his country. He may encounter other similar situations forcing him to run counter the command of Allah and His Prophet صلى الله عليه وسلم .

Such are the possible dangers which the living of a Muslim in a non-Muslim country may involve. By choosing a non-Muslim country for his living a Muslim is bound to risk his religion and faith and thus destroy himself from the religious viewpoint. Such are the dangers which are more than sufficient to render it impressible for a Muslim to adopt the living of a non-Muslim country.

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[64] . Tirmidhi, chap al-Sair, Hadi. No 1654

Arguments of the Permitters

The permitters, who include the majority of *ulama* from all schools of Islamic jurisprudence, base their viewpoint on such verses of the Holy Qur’an as speak of the universality and all-inclusiveness of the message of Islam. Few of such ones are as follows:

هواالذى أرسل رسولَه بالهدى ودين الحق ليُظهرَه على الدين كله, ولو كره المشركون-

It is He (Allah) Who has sent His Apostle with Guidance and the religion of Truth, to proclaim it over all Religions, even though the pagans may detest (it).[65]

وماأرسلناك إلاّرحمةللعلمين-

We sent you not but as Mercy for all the worlds.[66]

وما أرسلناك إلاّكافّة للناس بشيراًونذيراً ولكن أكثرالناس لا يعلمون-

We have not sent you but as universal Messenger to men, giving them glad tidings, and warning them (against sin), but most people understand not.[67]

اُدع إلى سبيل ربّك بالحكمة والموعظةالحسنة وجادلهم بالتى هى أحسن-

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[1]. The Qur’an: 9:33

[2]. The Qur’an: 21:107

[1]. The Qur’an: 34: 28

Invite (all) to the way of your Lord with wisdom and beautiful preaching; and argue with them in ways that are best.[68]

قل هذه سبيلى أدعوا إلى الله على بصيرة أنا ومن أتبعنى-

Say: this is my way: I do invite unto Allah,–on evidence clear with the fullest of conviction,–I and whoever follows me. Glory to Allah! And never I am from the polytheists.[69]

Besides the verses quoted above, indeed there exist more ones which establish it beyond any doubt that communicating the message of Islam to all people of the world, regardless of that in which corner of the earth they are living, constitutes the functional obligation of the Islamic community. This tremendous task requires that the Muslims come out of their Muslim homelands, traverse across the world and communicate the Final Divine Message to all the people and nations living on this earthly planet. Should the Muslims remain restricted only to their homelands, how they would be able to discharge their this functional important duty?

In the blessed companions of Holy Prophet صلى الله عليه وسلم we have the best practical example in this respect. Sacrificing their rest and comfort and bearing untold hardships, they went through the world, undertook journeys to non-Muslim countries, stayed there and thus communicated the message of Islam to the world at large. In this respect they completely disregarded all geographical following and surmounted the odds

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[2]. The Qur'an: 16:125

[3]. The Qur'an: 12:108

and ordeals. Their effort resulted in that no part of the earth remained alien to the message of Islam merely because of that they were politically under the rule of un-Islam. Had the Companions of the kept themselves limited صلى الله عليه وسلم Holy Prophet to their own Islamic countries, never would they have achieved great success in the field of *dawah* which proved their mark of incomparable distinction among all the people.

Some Juridical Principles

In addiction to what has been put above there are some juridical principles and *Fiqh* doctrines which offer enough guidance in this respect. To cite few of them here:

Change of the time and place and the (1) difference taking place in the circumstances shall bring change to the command concerned.[70]

The period in which the great Arab *ulama* had denounced the taking of citizenship of non-Muslim countries as unlawful had been of the French imperialism. Many of the Arab countries, especially Tunisia and Algeria were the lands badly affected from the sinister French imperialistic ambitions. It aimed at intriguing against Islam and Muslims, striking at its roots, sowing the seeds of distrust among the non-Muslims and weaning the Muslim s off Islam and its teachings by supporting the movements working for the spread of the religious aberrations. Under such abnormal conditions it would have been a sign of callousness for a Muslim to leave his Muslim country and take the nationality of an enemy country. This was the reason believed the decision of the *ulama* of those times to declare the Muslim's migration from his native Muslim country to a non-Muslim country as unlawful. But today the conditions have completely changed. The religious freedom has internationally been accepted as a fundamental right. Now, in the changed conditions, a Muslim, like other people adhering to other religions, can live in any country of the world fearlessly following the teachings of Islam and fashioning his life according to the tenets of his religion. In view of these facts, the age old— fatwa, which had outlawed the Muslim's leaving of his Muslim country and taking the nationality of non-Muslim countries, has lost much of its relevance, and now it will, therefore, be unwise to remain clinging to it. Instead, the better course of action would be to revise it and accommodate it to new changes.

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[70]. Al-Ashba wal-Nazair

(2) In the event of contradiction between advantages and disadvantages, the contrast has to be drawn between the two, and it is the dominant aspect which attracts the command of the *Shariat*. This being the fundamental principle of the Islamic jurisprudence, numerous precedences of which lie scattered throughout the Qur'an and *hadith*, the primary sources of the teachings of Islam.

So far as a Muslim's taking of the nationality of a non-Muslim country is concerned, the expected harms in it are not without sufficiently compensative advantages. The expatriate Muslims may establish their religious institutions to disseminate the Islamic religious education there. *Masjids* may also be built to worship the One Allah there. The Muslims may intermittently invite the men of Islamic learning and the workers for the cause of *dawat.* They may also work for the promotion of the cause of *dawat* locally as far as they can. By doing so the expatriate Muslims may legally redress the harms feared in the event of a Muslim's migration to a non-Muslim country. In short, the expatriate Muslims are fully able to build an environment congenial for the promotion of the Islamic values. Practically, in Europe and America, by the grace of Allah, there exist uncountable practical examples of the Islamic religious awareness amongst the expatriate Muslims.

In addiction to what we have just said, there might be some other advantages which the Muslims can never exploit unless they live in non-Muslim countries as their nationals. To put here only two of them.

Non-Muslim countries, generally speaking, (a) bestow upon their citizens complete freedom of religion, thought and expression, and grant them full economic, political, social and military rights. With these rights a citizen is able to not just live a honorable life, his these constitutional rights give him power to influence the government as well. In the present age, most non-Muslim countries, particularly the western ones, stand arrayed against Islam and the Muslim countries and grudge malice towards them. Should there be a considerable number of Muslims in those countries as their nationals, it may exert its immense influence on those governments and change their anti-Islamic thinking. The government too shall have to rethink ten times in taking decisions against Islam and Muslims and will be required to assess the negative effects on their own lands in the event of angering their own Muslim citizens on those countries' anti-Islamic and anti-Muslim decisions. In the absence of Muslim nationals in those countries the Islamic community will not be able to take on this advantage.

(b) Living in non-Muslim countries, the Muslims by their means and resources, may render great services to Islam and Muslim, and offer their better support to the *ulama*, workers for *dawah* and other causes for the promotion of Islam, its values and teachings. If the advanced and developed non-Muslim countries are without Muslims there, how the Muslim minorities could benefit from the vast resources of those countries?

(3)**ما لا يتم الواجب إلاّبه فهو واجب۔**

(2) "A thing without which an obligation (of the *Shariat*) could not be fulfilled turns out an obligation in itself as well."[71]

In other words, if an obligation of the *Shariat* is dependent upon a thing, the securing of that thing too assumes the status of the obligation.

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[71] . Al-Ashbah wal-Nazair p.91

Communicating the message of the Islam to the world at large is the functional obligation of Islamic community: and it can not be carried out properly unless the voice of Islam reaches out to all the inhabitants of the whole earth and they see, with their head eyes, the living practical embodiments of the teachings of Islam. As far as the communication of the Islamic message to the world per se is concerned, today it may be done very easily through the most advanced means of communication very effectively and the same might be true of acquainting the people with the noble teachings of Islam. But to furnish the non-Muslim world with the practical example of the teachings of Islam a considerable class of practising Muslims is always required to be present in non-Muslim countries so as to serve as an ideal of Islamic teachings amidst the non-Muslims. The expatriate Muslims, too, shall be required to communicate the message of Islam to their non-Muslim fellows through their good words, best acts, excellent morals and virtuous character. For all this the Muslims shall be required to take the nationality of important non-Muslim countries and become part of their people. It is because of the fact that no country in the present world is prepared to accord any importance to the world and views of the outsiders.

(4) **الضرورات تُبيحُ المحظورات۔**

"Necessities render as permissible what is actually impermissible."

This is also a very well-known principle of the Islamic jurisprudence. Sometimes the Muslims of the Muslim country feel obligated to leave their own country, owing to some political and religious reasons. On the other hands, no Muslim country, especially under the present circumstances, is prepared to welcome even the Muslim citizens of any other country and grant the citizenship and the ensuing rights to them without which no person could ever be able to live a normal life. Contrariwise, there are many non-Muslim countries which are always prepared to grant every aspirant the citizenship and the rights associated according to their specific rules and norms. The migrant Muslims find in those non-Muslim countries a suffocation-free environment congenial for undertaking and even greater constructive works. Such factual conditions call for the permission for such Muslims to leave their Muslim countries and take the citizenship of advanced non-Muslim countries which respect and grant the primary human rights to all their nationals regardless of their social and religious affiliations, even though the leaving of a Muslim country for a Muslim in itself is not a thing to approve.

The Preferred Standpoint

A close study of the discussion put above is suggestive of that the opinion held by the majority of the *ulama* is more preferable. The reasons follow:

(1) All the *ulama*, whether they are in favor or against a Muslim's leaving of his Muslim country and taking the nationality of any non-Muslim

country, are unanimously agreed to the point that establishing hearty ties with non-Muslims or taking the nationality of non-Muslim countries out of their regard and respect towards them is quite unlawful. All the arguments offered by those against the impermissibility might be interpreted to have the same common reason as a shared value behind the impermissibility.

If the view of impermissibility is admitted at (2) its face value, its applicability has to be kept limited to the background of the sinister imperialism of the past ages when even Muslim's entering a non-Muslim imperialistic country was considered an act against one's sense of honor, a sort of apostacy and an assistance on the disbelief. Now that age is part of the history. A large number of Muslims is dwelling in those countries and leading a religious life there according to the tenets and teachings of Islam. Great centers and institutions of Islam exist in those countries and are actively working in the field of Islamic _dawat_ and education. The expatriate Muslims offer a maximum support to the new converts to Islam in terms of their education and religious orientation. The expatriate Muslims have adopted those countries as their permanent dwelling, binding their best expectation with those lands, endowing all their best abilities and capabilities to them, and now they have no intention to return back to their natal countries. Seeing such facts, the view of impermissibility is now out of date and impracticable.

(3) The arguments offered by the adherents to the view of impermissibility are by no way categorical in terms of their meaning and applicability. They might be interpreted otherwise. To illustrate:

(a) The arguments based on the Qur'anic verses forbidding the Muslims to establish friendly relationships with non-Muslims and offered by the supporter of this view mean that taking the citizenship of a non-Muslim country amounts to intentionally abandoning the supremacy of the Islamic code of life may be confuted and countered in the following manner:

"It is not necessary for the Muslim citizens of the non-Muslim countries to literally follow such laws of their countries as are in conflict with the laws of Islam. Instead, they are required to acquaint the government with their feelings about those laws, and make efforts to persuade the men at the helm to modify them to the tune of the spirit of Islam. Once such constitutional modifications are endorsed by the national law making assemblies at federal or state level, the Muslims shall be required to make a fuller use of such legal flexibilities to avoid any intentional opposition of the commands of the *Shariat*. To illustrate this point more, in the most of the European countries the prevalent law of inheritance is in total opposition to the norms and principles of the Islamic *Shariat* regarding the disposal of inheritance. But the constitutional structures of those countries enshrine a clause which reads that if the dying person suggested some rules of procedure for the disposal of his/her inheritance, all the heirs shall be required, according to the laws of those countries, to distribute the inheritance accordingly. Benefiting from this legal provision the Muslim deceased may leave a bequest stating herim that after his death his inheritance shall have to be distributed according to the Islamic law of inheritance. Such a bequest from the deceased, on one hand, will free him of his religious obligation towards his inheritance, and on the other hand will put under obligation his heirs to dispose of the legacy according to the laws of the *Shariat*. Similarly, in those countries the marriage registration is an important legal requirement, failing which no marriage is legally binding and on the basis of an un-registered marriage no legal rights could be proved for either party. The Muslims can adjust this by solemnizing their marriages according to the legal requirements of the Islamic *Shariat* and then getting it registered in compliance with the national law. This way the Muslims may be able to find solutions to most of their problems they face in non-Muslim countries. By no way the taking of the nationality and citizenship of non-Muslim countries entails a Muslim's risking his faith and religion.

(b) On the nationals of Muslim countries many non-Muslim bestow the legal right to ration the nationality of his/her natal Muslim country in the event of his/her taking the nationality of their nationality. To be more precise, he may have a dual nationality and hold two passports. This two supports the view of permissibility as a Muslim's taking the nationality of a non-Muslim country by no way necessitates that he has renounced the Islamic law and its system of life.

(c) Interacting with non-Muslims or having social relations with them are not forbidden altogether; it is the deep heartily relationship which is forbidden for the Muslims to have with non-Muslims. For such a deep relationship, in most cases, is found to damage a Muslim's faith and weaken his religious stability. Islam has commanded the Muslims to sever all their ties from those non-Muslims who are blind enemy to Islam and Muslims and harmful for collective interests of the Islamic community. As to those non-Muslims who love peace and make no mischief, Islam never forbids the Muslims to have healthy ties with them or entering into social and business interact ones with such good-natured non-Muslims. The Qur'an has explicitly put it in the following words:

لا ينها كم الله عن الذين لم يُقاتلوكم فى الدين ولم يُخرجوكم من ديارکم أن تبرّوهم وتُقسطواأليهم إن الله يحب المقسطين-

Allah forbids you not, with regard to those who did not fight you in religion nor drove you out of your homes, from dealing kindly and justify with them. Allah loves those who are just.[72]

(d) What is actually required here is to differentiate between the deep friendship forbidden by the Qur'an with non-Muslims and the compliance with the administrative laws of non-Muslim countries where the Muslims happen to live as their national and citizens, particularly those laws which are not in conflict with the general norms of the *Shariat* of Islam. They are two distinct things.

As far as the military service of those countries is concerned, the country where one is living as its citizen and enjoying all rights and legal demands has a fuller right to ask its citizens to demand them that they should make themselves available for military and defence services when the circumstances so call for. In short, such a demand by no way could be denounced as undue. This is completely in compliance with the universally accepted norm that rights and privileges are bound to the duties and obligations.

The second important point is that all countries do not follow the system of compulsory military service; in most countries it is optional and has been left to the discretion of the citizens. From among the non-Muslim countries the Muslims may choose such countries to live in where the military services are optional. Even if in the countries where the military services are mandatory the Muslims have been left with the option to seek their exemption from the defense services, particularly in some cases.

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[72]. The Qur'an, 60:8

Another point of equal importance is that since the freedom of religion has been included in the list of the fundamental rights by all the countries of the world, all countries make arrangements of religious services and appoint the religious guides in army and defence sectors to satisfy the religious needs of their military personnel. Even the *masjids* and other places of worship for offering the religious rituals are built and the arrangements for the primary religious education of the military men are made.

In short, there is no doubt and apprehension in the living of a Muslim in non-Muslim countries without satisfying solutions.

By the detail and discussions furnished above I mean only to make it plain that staying in non-Muslim countries or taking their citizenship is by no way a taboo for the Muslims, even if they are the nationals of the Muslim countries. The better course, nevertheless, will be to stay in their Muslim countries and live under the Islamic rule and travel to and stay in non-Muslim countries only on temporary basis and according to their specific needs. But in case there developed such conditions and states for a Muslim which render his peaceful stay in his natal Muslim country impossible, he may permissibly shift to a non-Muslim country and take its nationality so that he may lead a life of peace and prosperity there. Such a migrant, however, shall be required to take into consideration the following things:

(1) Must always remain axious about his religious identity and Islamic existence there, thereby to lessen the dangers from the religious considerations for his coming generations.

(2) Live a life of honor and dignity. In case the life in those countries is disgraceful for him or he is not satisfied there about his and his next generations' religious well–being, it will be impermissible for him to go and stay in such countries.

(3) He should live there as an ambassador and representative of Islam and Islamic teachings by his morals, acts, solicitude and honesty, thereby being able to move his non-Muslim neighbours to truth of Islam.

(4) The abandonment of his natal country and his migrating to a non-Muslim country should be exploited for good and high moral purposes. The Muslim migrant, by his feelings, concepts and practices, should prove himself and his migration useful and beneficial for his owneself, for the Islamic community and for his host country, applying all his natural capabilities and skills for the purpose.

(5) The Muslim expatriate is always required to protect himself and his dependants from all types of intellectual apostacy and moral

aberrations and take all possible precautions for the purpose.[73]

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[73] . For the discussion about the issues concerning the Muslim's stay and his taking the nationality of the non-Muslim countries the author has heavily drawn upon Fiqhul-Aqalliyatil Islamiyah, a work by Dr. Sharifa Al-e-Sa'ed.

Chapter Three

Democratic Electoral Process: the Position of *Shariat*

In the present age billions of Muslims, devoid of political sovereignty, are living as minorities in a number of non-Muslim countries across the globe. This state of affairs has engendered a number of problems in the social and political sphere of their individual as well as of collective life. Of vital importance among them is taking part in the electoral process in a democratic country. As it is known to all, the democratic countries are ruled and governed by the political party winning the elections by the vote of the majority of the country's electorate and not by a particular group of people, a family or the adherents to a particular religion. In the electoral process any citizen of the country, apart from his/her religion, caste, color and other similar associations, is legally eligible to take part as an aspirant for a seat in the national or provincial assemblies of the country. In other words, this peaceful political competition is open for all the citizens of the country .Those lagging behind their competitors in this age of peaceful competition are destined to lose many rights, privileges and development.

Soliciting for a Public Office

In general conditions soliciting for a position of responsibility and power is not compatible with the nature and spirit of Islam. Addressing Abdur

Rahman bin Samurah, the Prophet صلى الله عليه وسلم said:

ياعبدالرحمن بن سمرةلاتسئل الإ مارة, فإنك إن أُعطيتَها مِن غير مسئلة أُعِنتَ عليها, وإن أُعطيتَهاعن مسئلة وُ كّلت إليها۔

"O Abdur Rahman bin Samurah! Ask not a governing position. If it is given to you without your desire and solicitation you shall be assisted in it .But, on the other hand, if it is given to you in response to your demand, it will be left to you alone."[74]

Haz. Abu Hurairah رضى الله عنه reported the Holy Prophet صلى الله عليه وسلم to have said:

إنكم ستحرصون على الإ مارة, وستكون ندامة يوم القيمة, فنعم المرضعة وبئست الفاطمة۔

Soon you will be coveting positions of authority, and soon you will regret it on the Day of Judgment. A rich position is indeed very pleasing, but equally displeasing it becomes when one is weaned off the position.[75]

Abu Musa Ash'ari رضى الله عنها says once he, alongwith the two of his cousins, came to the Holy Prophet صلى الله عليه وسلم. One after the other each one of these cousins asked the Prophet صلى الله عليه وسلم, the official positions. In response, the Prophet صلى الله عليه وسلم addressed them as follows:

إناوالله لانُولّى على هذالعمل أحداًسألَه ولاأحداًحرص عليه۔

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[74]. Bukhari,Muslim and Mishkat, Book al-Imarah P. 320

[75].Recorded by Bukhari, Mishkat P.320

Never we, by Allah, entrust this act to a person who solicits for it, nor to a person desiring it.[76]

In the Islamic society those men have always enjoyed veneration and admiration of the general people who kept themselves away from the race of the official positions. Towards such men the Prophet صلى الله عليه وسلم expressed his admiration in the following words:

تجدون من خيرالناس أشدّهم كراهيةً لهذالأمرحتى يقع فيه۔

You will find the people of excellent character hating this thing (official positions) most till they fall in it.[77]

Coming forward to Protect Collective Interests

Much as the desire for the official positions in the structure of a government is to the depreciation of the Islamic *Shariyat*, yet equally true being the fact that in order to protect the collective interests of the nation and society sometimes the men of good character feel themselves obliged to come forward and offer their skills and services for the purpose. Should they desist from so doing, the people of devilish character and morally corrupt will eventually grab those positions and, as result, the nation as whole shall have to suffer the consequences. From the responsibility of the loss incurred could hardly evade those who, despite possessing reliable ability and competence, kept themselves away from the positions under a

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[76]. Bukhari,Muslim and Mishkat P.320

[77].Op. cit

's رضى الله عنها government. In this regard Haz. Ayisha observtion should be an eye-opener.

"Abu Salmah bin Abdur Rahman stated: "Some descendants of the Muhajiriin and I assembled at a place and wished to have a رضى meeting with Amirul Muminin Mu'avia with the intention to intimate him of our الله عنه economic problems which we were facing. Before this it deemed better to us to seek advice from Ummul Muminin Haz. Ayisha . We told her the tale of our رضى الله عنها Siddiqa economic plight and of the burden of the debt we had already incurred. Hearing our tale, Haz. Ayisha said:

"Of what type the people are! They flee from their Sultan." "We fear he might entrust official positions to us," we reacted. Haz. Ayisha's historic observation was:

سبحان الله, فإذالم يستعمل خيارَكم يَستعملُ شِرارَكم۔

Glory to Allah! If he failed to engage your best men, he shall inevitably apply your wicked ones."[78]

Example from the Prophet Yusuf

's exemplary behavior عليه السلام Prophet Yusuf provides a sound foundation in this regard. The Holy Quran mentions it in the following words:

اجعلنى على خزائن الأرض,إنّى حفيظ عليم۔

place me on the treasuries of the land. I am able to keep guard (over them), in possession of the knowledge (required).[79]

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[78]. Ibn Hajar: al-Talkhisul Habir vol.2 p.402

[79]. Yusuf:55

Admittedly, sensual pleasure-seeking can never be ascribed to be the motivating reason behind Yusuf's expression of his desire for that higher public office. Yusuf was a Prophet of Allah, infallibly sinless the assessment of his noble and spotless character in terms of pleasure-seeking will constitute a grave sin. Behind his desire for the position was nothing other than his solicitude for humanity and his sense that he was better able to protect the collective interests of the fellow human beings. He knew should he come not forward to shoulder the responsibility of managing the complex affairs of a nation on the brink of a bitter and hitherto un-experienced famine, the country was destined to suffer the scourge of starvation for long time.

Prophet Yusuf's this practical example has been used by most of the men of Islamic jurisprudence as a sound base for their inference that a man can offer himself for a service which he can ably perform. In case there exists nobody to do the same job in the required manner, he will stand obliged to accept the responsibility and offer himself for the task. From the same it could safely be inferred that in times of need it will constitute no wrong on his part if a person pointed to some of his qualities needed for the fulfillment of the task in hand, even if it seemingly has implications of self-praise.[80]

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[80]. Qurtubi: Aahkamul-Qura’an, 9/142, Alusi:Ruhul Ma,ani, vol.13 P.5 Jassas:Ahkamul-Qura’an: vol.3 P.174

Prophet Sulaiman's Example

The Prophet Sulaiman's noble character also furnishes a very good example in this regard .He expressed his wish in the form of a prayer from Allah in the following words which the *Qur'an* has preserved for ever.

ربّ هب لى ملكاً لاينبغى لأحدٍمن بعدى ’ إنك أنت الوهاب۔

Sulaiman the Prophet asked Allah the greatest position ever available for a human being. By this he aimed at nothing but to work for the welfare of the human beings, to wrest them from the oppression and tyrrany of the despot rulers and to establish the sovereignty of the law of Allah on the earth. For the realization of these noble ends there existed nobody in that age more befitting than the Prophet Sulaiman himself.

From this aspect of the Prophet Sulaiman's character the Muslim jurisprudents have inferred much the same juridical guidance as from that of Haz. Yusuf's.[81]

In this regard Shaikh Ibn Qudama Hambali has furnished a very good analysis. To cite it here: "People are of three types, so being the rulings of the *Shariat* about them:

(1) The person who is without due competence and ability to carry out the task in hand. For such a person it will be wrong to assume the responsibility of the task.

(2) The person competently able and morally trustable to carry out the task in hand but he is not the only on in the field, and there exists

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[81]. Ibn al-Arabi: Aahkamul-Qura'an, vol.2p.199

a number of such people as possess the required competence. For such a person accepting the position and responsibility will be permissible and not mandatory as the availability of the competence in a number of persons leaves him undetermined and unspecified for the position. Imam Ahmad bin Hambal's words are suggestive of unrecommendability, though permissible and lawful. It is in view of the fear that the position involves multifarious aspects and it is very difficult to maintain a true balance between all rightful people. Some, however, make difference between the needy and the needless. For the competent needy it would be recommendable to assume the position.

The person who is ably competent, and is the only one to assume the responsibility. For such a person it would be mandatory to accept the position. To Imam Ahmad, however, it is not mandatory for him to offer himself for the task even in such a condition.[82]

Hafiz Ibn Hajar is of the view that accepting the position of the *qazi* (judge) constitutes a general obligation (*farz kifayah*) of the concerned Muslim city. Should all people flee from it, who, then, will serve *qaza* to dispense justice? Great Companions served as *qazis* in their blessed ages. During the age of the Caliph Abu Bakr al-Siddiq Haz. Umar bin al- did engage the position of the رضی اللہ عنہ Khattab qazi; in the age of Haz. Umar al-Faruq, the Second

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[82] . Ibn Qurdama: al-Mughni, vol.11 p.376

Caliph, the position of qaza was given to . Haz. Umar the رضی اللہ عنہ haz.Abdullah bin Mas'ud Caliph issued a strict directive to his governors to the effect that the positions of the *qaza* (judges, judicial officers) were to be granted only to the people of high moral integrity and excellent character. More than one examples of this may be found in the age of the Companions. In case there exists a number of able people, no particular person shall stand obliged to accept the position. In the same manner, if a man of learning with deep interest in research work fears that the position of qaza, or other positions of authority, would affect his research and academic activities negatively, such a person also is not obliged to accept such position; for him the better course would be not to accept such positions and dedicate himself to his research work.[83]

The same opinion is shared by Ibn Nujaim al-Misri, a Hanafi jurisprudent of note. To cite him:

> Soliciting for the positions of authority is not always to be regarded as unlawful. It is unlawful only when there exists a number of the competent persons to engage the positions available. In case there is none except he alone, it would be mandatory for him to accept the position, thereby to protect the general interests and save the people from

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[83]. Ibn Hajar: Fathul Bari, vol.13 p.108

falling into difficulties and hardships.[84]

What we have furnished above from the practice of our pious predecessors establishes it beyond doubt that with an intention to protect the interests of the common people the demand and filing one's nomination for a public office constitutes no sin, provided he possesses the required ability and in the event of his not coming forward the position is feared to fall into bad hands. The better course of action for a candidate, however, would be not to file his nomination by himself. Others may do this on his behalf. This way he would be letting the people not to build misconceptions about him. This aspect has also been taken into account by some Fuqaha. Allaudin Kasani writs:

> "It is not unlawful to grant the office of the judge to a person who has asked it and expressed his wish for. If a person is equipped with the ability required for a position the *Fuqaha* are unanimously agreed that such a person may be granted the position of *qaza* and judge. The better course, however, would be to trace a person not wishing for and demanding it. The demand often becomes a cause of distrust about him in the people."[85]

The late Mufti Muhammad Shafi (grand Mufti of Pakistan) subscribes to the same opinion. To quote him:

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[84]. Al-Bahrur Raiq, Book of Qaza vol.6 p.459, Fathul Qadir vol.7 p.244, Fatawa Alamgiri, vol.5 p.131 al-Mawardi, al-Ahkamul Sultaniyah p.75

[85]. Allawuddin Kasani: Badius Sanai, Book 'Adabul-Qazi' vol.5 p.439

"If the person soliciting for a position of authority is true to his claim of having due competence, moral integrity and is offering himself for the service of the nation with the sole motivation of solicitude, he will be regarded right. The better course, however, is that he should not forward himself on his own; he should be nominated by others instead."[86]

How to Oppose the un-Islamic Laws Passed by a Secular, Democratic Parliament?

The legislative assemblies of the secular countries, quite obviously, have nothing to do with the laws of Islam or the principles of the Islamic *Shariat*. They may enact the legislations which are in contravention of the principles of the Islamic *Shariat*. The problem is that all the members of a legislative assembly have to take an oath of allegiance and loyalty to the constitution of the country.

On the face of it, this seems a perplexing question. By taking it deeply, we, however, may remove the perplexity. The constitution of the secular state to which the legislators have to affirm their allegiance is only the primary document on which are premised all the legislations enacted by the state and federal assemblies. The said primary document, principally is not subject to amendments. So far as the laws enacted by the legislative assemblies are concerned, they may be amended by a two-third majority, and the opposition parties, whether belonging to minority or majority groups of the country's population, have a full right to express their disagreement and opposition to them, even at the national assembly level. As far as I think, having expressed their disagreement towards the un-Islamic laws of the national or provincial assemblies so forcefully, the Muslim legislators will absolve themselves of the accountability of those laws.

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[86]. Jawaharul Fiqh, vol.2 p.291 Ed.1997

Accepting Public Offices under the non-Muslim Leadership

As far as I think, the Islamic *Shariat* is not opposed to a Muslim's accepting a position of authority or public offices under non-Muslim leadership. The base of my viewpoint is discussion which the *Ulama* and *Fuqaha* have held in connection with the accepting of the public offices under non-Muslim or a wrong Muslim leadership. In fact, there is a number of the *Qur'anic* verses and the *hadiths* which offer sufficient guidance in this regard. The , as we have put it in the عليه السَّلام Prophet Yusuf preceding lines, asked a position of authority from the Egyptian emperor. This establishes it well that a Muslim may accept the position of authority under non-Muslim leadership. Ibnul Arabi Maliki has raised this question with special attention and then have come up with a ceremonious answer.[87]

The scholarly Muslim jurisprudents have inferred from the example furnished by the that under a عليه السَّلام practice of the Prophet Yusuf non-Muslim political leadership official positions might be accepted by Muslims.[88]

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[87]. Ibn al-Arabi: Aahkamul-Quran vol.1 p.443

Apart from the Ysufi example, there is a large number of the companions and their immediate followers who worked as government officials under the wrong and sinful political leaderships. In this regard the author of Al-Hidayah has cited the example of the judges working under the Mu'avia dispensation. The list of the judges who worked under Mu'avia includes Haz. Abu Darda, Fuzala bin Ubaid, etc. Those companions accepted the office of the judge while Amir Mu'avia was up in arms against Ali bin Abi Talib, the formally elected caliph and Ali's rival Mu'avia was not on the right path.[89]

Even more conspicuous example of this is available in government officials who worked under Hajjaj bin Yusuf, the notorious killer. In his book, Tarikh Al-Wasat, Imam Bukhari cites that Hajjaj bin Yusuf appointed Abu Burdah, the son of Haz. Abu Musa Ash'ari, a noted Companion of the Prophet صلي الله عليه وسلّم, as judge and Haz. Saed bin Jubair as Abu Burdah's assistant. Thereafter he put Haz. Saed bin Jubair to death, and after the span of only six months Hajjaj too suffered death and this notorious and merciless governor had no chance to put to his sword any more person. Saed bin Jubair رحمه الله, thus, was Hajjaj's last victim[90]. According to Hafiz Abu Naem, as he has put in his Tareekh Asbahan, Abu Burda was the judge of Asbahan during the

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[88] . Zafar Ahmad Thanawi: Illaus Sunan vol. 15 p.54

[89] . Hidayah chap. Qaza vol.3 p.117

[90] .Zilaie vol.2 p.203

Hajjaj regime. Later he removed him.[91]

Ibnul Qattan stated that Abu Muhammad Talha bin Abdullah bin Awf engaged the office of qaza at Madina Munawwara during the regime of the Yzid bin Mu'avia. Needless to say, Talha bin Abdullah is a known taabie and narrates from Abdullah bin Abbas, Abu Huraira, Haz. Abu Bakr ,etc.[92] رضى الله عنهم

When the offices as delicate as of *qazq* may be accepted under sinful and tyrannical regimes, other offices of lower importance may be assumed even more obviously. There are *hadith,* which tell us that there is a number of the acts and tasks which have to be carried out whatever the circumstances and whether the Muslim leadership is virtuous or wicked. The Islamic community is asked to unconditionally obey its leadership in as much as the fulfillment of those tasks. Such tasks include the obligation of jihad, about which the Holy Prophet has said:صلى الله عليه وسلم

الجهاد واجب عليكم مع كل أميربرُاً كان أوفاجرا۔ً

Jihad will remain a duty on you in company of the *amir* (leader), whether he is virtuous or wicked.[93]

صلى الله عليهAmr bin Numan reported the Prophet to have said: وسلم

إن الله ليؤيدهذالدين بالرجل الفاجر۔

"Allah shall indeed strengthen this religion

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[91] .Zilaie vol.2 p.203

[2] . Loc. Cit. p.203

[1] . Reported by Abu Dawud, Illaus Sunan vol. 15 p.55

(Islam) with a wicked man.[94]

As to the command opposed to the Islamic Sharait given by the principle authority, no question of following such commands and obeying authorities in them. Instead, he shall be required to express his disapproval and disavowal towards such things. Having done so by expressing one's dissent and disliking, one shall stand absolved of the responsibility involved, and, as far as I think, it is hoped that Allah will forgive the person such tried. The following *hadith* sheds ample light on this issue. Haz. Auf bin Malik Ashjai reported the Holy Prophet صلى الله عليه وسلم as saying:

ألا من وُلى عليه والٍ فرأه ياتي شيئاًً من معصية الله فليُكره مایاتي من معصية الله ولاينزعنّ يداًمن طاعته۔

Beware! If a governor is appointed on a person then he saw the governor committing an act of disobedience to Allah he should show his disapproval towards that at of disobedience but must not get back from his obedience[95]

And

يكون عليكم أُمراءتعرفون وتُنكرون, فمن انكر برُى, ومنٍ كره فقدسلم, ولكن من رضى وتابع۔ قالواأفلانقاتلهم؟ قال لاماصلُّوا, ألا ماصلُّوا اى من كره بقلبه وأنكر بقلبه۔

There will be governors on you who will do the right as well as the wrong deeds. One who estranged and disliked (their) wrong deeds will absolve himself (of the responsibility), the one who disapproved of their such deeds is too attain

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2. Bukhari and Muslim , Illaus Sunan loc. Cit.

1. Reorted by Muslim, Miskat , chap. Al-Imarah

deliverance. The burden of their misdeeds shall have to be shared by those who liked and pleased with such deeds.

"Do we not fight them"? asked the Prophet his companions. "No, as long as they offer prayers," answered the Prophet صلي الله عليه وسلم.[96]

Some words of this *hadith* are suggestive of that the oral disapproval is not necessary, only a wholehearted hate is required for their deliverance.

Towards the end of his caliphate when Haz. Uthman lay besieged in his house and the Prophet's masjid too lay under the control of the mutineers, some—body asked him:" could we offer the prayers under the Imamat of the mutineers"? The reply of Haz. Uthman was:

إذاأحسن الناسُ فاحسن معهم,وإذاأسائوافاجتنب إساءتَهم۔

When the behavior of people is good to you, be good to them; when their behavior is bad, keep away from their mistreatment.[97]

Some Useful Juristic Principles to Solve this Problem

There are some juristic principles which offer a sufficient guidance in this regard. To cite them here:

(1) ما لايتم الواجب إلآبه فهوواجب۔

(1) "The thing on which depends the fulfillment of an obligation itself becomes an obligation as well."[98]

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2. loc. cit . p.319

[1]. Illaus Sunan vol.15 p.51

[2]. Ibn Nujaim Hanafi: al-Ashba wal-Nazair p.91, Ibn Makki al-Amily: al-Qawaid wal-Fawaid vol.1 p.192: Suyuti, al-Ashba wal-Nazair, p.97

The mode of argument with this juristic principle will go as: should the Muslims of the democratic countries decide not to take part in the electoral process and not to fight the election for the provincial and national assemblies' memberships fearing that they may fall in sins, and keep themselves completely detached from the democratic activities, a number of communal obligations will remain unfulfilled and unmet, and such a situation will be harmful for the Muslims beyond measure. To envisage the possible harms, and the enormity of such a situation.

The national and provincial assemblies make legislations and pass resolutions in relation to national and international affairs. The presence of Muslim representatives may stop or at least make them, reluctant in passing anti-Islam and anti-Muslim resolutions and making laws against the tenets of Islam. The absence of Muslim representation in national and provincial assemblies, on the other hand, is bound to give the non-Muslim members a free hand to legislate anti-Islam laws. Only a strong Muslim representation there could lessen such concerns to a great extent.

In case there exists no Muslim representation in the national and provincial legislative assemblies, who, then, will tell the government and the non-Muslim legislators the true conditions of Muslims and their problems; and who will fight the propaganda campaigns intended to harm and disrepute Muslims and the teachings of Islam? Who, then, will communicate the national and provincial assemblies the needs and requirements and the communal problems of Muslims, and how the Muslims would be able to avail of the welfare programs launched by the state and federal governments? All such questions have only one answer. That is, the Muslim minority must have its strong political representation both in national and provincial assemblies. Failing which it can not solved its problems or realize its true collective interests. Judging the situation through the prism of the said juristic principle, taking part in the electoral process of their countries and striving to win the membership of the national and provincial assemblies constitutes an obligation of the Muslim minorities living in the democratic countries.

Second Juristic Principle

(2)الضررالأشد يُزالُ بالضررالأخف-

(2) The bigger evil shall be removed by the lesser evil.[99]

No denial of the fact that the national as well as provincial assemblies of un-Islamic democratic countries legislate and pass the laws by the majority of the legislators. Among such legislations there might be such ones as are in conflict with the principles of the Islamic *Shariat* and the Muslim members of the legislative assemblies can do nothing to stop the assemblies from so doing. But this fear could be assuaged by no way even if the Muslim minorities decide to keep themselves

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[1]. Ibn Nujaim Hanafi: al-Ashba wal-Nazair, p.88-89, Suyuti: al-◌Ashba-wal-Nazair p.96, Shatibi: al-Muwafaqat, vol.p.41, Mustafa al-Zarqa: Sharhul-Qawaid-al-Fiqhiya, p.145

completely away from the electoral activism of the democratic countries. It is only the Muslim members of the legislative assemblies who will be able to defend Islam and Muslims in those assemblies by dispelling the misgivings and misunderstandings found about Muslims and the teachings of Islam in common people. Again, it is only the Muslim members of the legislative assemblies who might raise the voice for the rights of the Muslim minority in a secular democratic state and register their protest against the bills and legislations conflicting the Islamic *Shariat*. By not taking part in the electoral process of the democratic countries, contrariwise, the Muslims are bound to lose all such benefits and suffer much greater collective detriments. Keeping in view all such points, it will never be a wise course of action for the Muslim minorities of the democratic countries to jeopardize the greater and bigger benefits in order to avoid the evils of a lesser magnitude.

Third Juristic Principle

اعتبارالذرائع,النظر فی المآلات۔

It is not the means which have to be considered, it is the results which are to be considered and taken in view instead.

This principle does not exist as such in the juristic literature. This is based on an observation of the Caliph Umar رضي الله عنه. He directed Huzaifah bin Yaman, one out the ten very important Companions of the Holy Prophet صلي الله عليه وسلم, to divorce his newly-wedded Jewish bride. Umar's this order was only in view of the far-reaching future consequences, notwithstanding the fact that the *Qur'an* and *sunnat* clearly permit the Muslims to marry the Jew and Christian women.[100]

The following words of Hafiz Ibn Taimiyah are very helpful in having a proper understanding of the principle under discussion:

إذاخُيّرالإمام بين قائد للجيوش ذى خبرة بالحرب وشجاعة فى الإقدام لكنه فاسق وآخرورع تقى لاخبرة له بالحرب, لوجب على الإمام أن يختارالأول, لأن قوته فى الحرب للمسلمين وفسقه على نفسه۔

If the Imam is let to choose the commander for the Islamic army from two persons, one of them possesses experience and practical knowledge of war and military affairs and courage to undertake the offensive and take the army forward, but is impious, the other one is pious and God-fearing but without experience in fighting and military affairs, the Imam shall stand obliged to choose the former person. It is because of that his impiety is restricted to his self while his strength, vigor and experience will be of great benefit for the Islamic community as whole.[101]

The foregoing observation may also be strengthened by the following citation:

تجوزالإعانة على المعصية لا لكونهامعصية بل لكونهاوسيلة لتحصيل المصلحةالراجحةإذاحصل بالإعانة مصلحة تربو على تفويت المفسدة, كما تُبذلُ الأموال فى فداءالأسرى الأحرارمن المسلمين من أيدى غيرهم۔

In some cases it becomes permissible to
It is never render assistance for an act of sin.

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[1]. Shibli Nomani: al-Faruq, p.86

[101].Ibn Taimiyah: al-Siyasatus Shariyah P 5

It is because of being that act a sin as such. rather because of its being a way and to a means for the realization of a preferable good This could be permissible only objective. when this assistance can lead to good outweighing in importance the condition that the For example, may emerge otherwise. funds are given to the unbelievers to redeem the Muslim captives from the captivity of the unbeliever enemy (Giving funds to non-seems an act of sin as it apparently, Muslims, will strengthen them financially, yet this may be brooked for the realization of as great a good as the redeeming of the Muslim captives from the hands of the unbelievers).[102]

To make the point clearer still, the same authority has offered yet another example: It will constitute no wrong on the part of a person who gave an amount of money to a killer for sparing his life. It is because of that it is the results and objectives which matter and not the means. Spending the funds is nothing but a means to an end.[103]

On similar lines, taking part in the elections as a candidate is feared to constitute a sin, yet it may be brooked as being a means of realization of greater communal and collective benefits. For it the results and ends which matter and not the ways and means. A very well known juristic principle reads the same.

الأموربمقاصدها۔

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[102]. Izzud Din Abdus Salam: al-Ahkam vol.1 P.87

2. Op. Cit. p.129

The acts are judged by their ends.[104]

Going by this principle, taking part in the elections as candidates for the membership of the state and federal assemblies does not necessitate the sharing of the sins and the acts of disobedience which are committed by those assemblies; it is rather intended to represent the Muslims in those assemblies and fighting for their rights and problems. Therefore, it is the end and objectives that matter and the incidental events of disobedience can do no harm to it.

It perhaps needs not extra emphasis that the collective interests of the Muslim minorities in secular democratic countries carry greater importance than some individual issues. To achieve greater communal interests the lesser things shall have to be sacrificed and the material and other losses have to be suffered for the purpose.

The Prophet صلی اللہ علیہ وسلم is reported to have proclaimed:

أطعمواالجائع وعَوّدواالمريض-

Feed the hungry and visit and nurse the sick.[105]

Imam Abu Yusuf has reported Faruq Azam (Umar the caliph) to have proclaimed:

لأن أستنقذ مسلماً من أيدىالكفارأحب إلىّ من جزيرةالعرب-

Redeeming a Muslim from the captivity of the unbelievers is far loving to me than the whole Arabian peninsula.[106]

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[104] al-Ashba wal-Nazair

1. Bukhari, chap. al-Jihad, section Fikakul Asir N. 3046

[2]. Imam Abu Yusuf: al-Kharaj p.196

In view of the extraordinary importance of freeing the Muslims from the captivity of the Kuffar, all the Fuqaha are unanimously agreed to that doing their best for this purpose constitutes an obligation, irrespective of that the required funds be taken from the Muslim Public Treasury or collected from the general Muslims.[107]

Now if the fund-raising authorities from the Muslims commit embezzlement or other acts of disobedience, the financial support to those authorities or the political endeavor for the purpose will not be given up. The incidental mistakes and aberrations shall have to be overlooked keeping in view the greater ends.[108]

Contemporary Standpoint

Taking into account all such things, a fairly good number of the Arab *Ulama* tends to permit the Muslim minorities of the modern secular democratic countries to take part in the electoral fight both as voters and candidates for the legislative assemblies on provision that the candidates are of strong faith in Islam, of sound thinking, influential and trustworthy, and by their political struggle aim at nothing except rendering good service towards the Muslim minority and securing its rights in the political framework of the secular democratic

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[3]. Cf. Ibn Rajb Hambali, 137 Principle N.75, Ibn Qudama: al-Mughni vol.8 p.245, Ibn Taimiyah, Majmu'ul-Fatawa vol.29 p.183-84, Buhuti: Kasshful-Qana vol.3 p.139, Ramli Nihayatul-Muhtaj vol.8 p.101-2, Suyuti: al-Ashba wal-Nazair p.96, Ibn Salman al-Katani al-Kaliki:al-Iqdul-Munazzam lil-Hukkam vol.2 p.185-86

[108]. Izzud Din bin Abdul Salam:Qawaidul-Ahkam vol.1 p.129

country.[109]

The detail furnished above establishes it well that in such an age of growing political unrest, moral corruption, ethical decadence and acute dearth of the men of high moral considerations it is a binding duty of the Muslims of political foresight to come forward to render sincere service to the Muslim community in countries where they are a minority, simultaneously availing of their constitutional democratic rights to register their protest against the things coming into conflict with the norms and principles of the Islamic *Shariat*. Otherwise, the Muslim interests in secular democratic countries are doomed to remain in constant jeopardy.

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[109]. Cf. the al-Azhar monthly, art. by Dr Abdul Karim Zaidan titled: al-Democratiya wa Musharakatul Muslim fil-Intikhabat p.36-38

Chapter Four

Taking Part in Election as Voters: The Shariat Position

In the foregoing chapter we have discussed the position of the *Shariat* on the Muslims taking part in the elections as candidates for the national and provincial legislative assemblies in the secular democratic countries. In the present chapter we shall be focusing our attention on another aspect of the same problem, that is, taking part in the electoral process as voters and electors as the voters too share the responsibility of the acts to be done by the members and legislators they vote and elect for the legislative assemblies. In the first place, the voter is required to see if the people who as voter is going to invest the reins of political power by the way of electing them to be their representatives possess real competence in holding the public offices and doing justice with their delicate job. It will constitute the worst type of sin on the part of the voters by not doing justice with their constitutional responsibility as electors due to their temporal interests or personal grievances.

In the moral economy of Islam justice is of extraordinary import. Proclaiming justice and fairness to be nearest to piety and Allah-fearing, the Qur'an commands the people of belief to hold fast this moral value in the following monumental phraseology:

يأيهاالدين آمنواكونواقوّامين لله شهداءبالقسط, ولايجرمنكم شنأن قوم علي أن لا تعدلوا,إعدلواهوأقرب للتقوى, واتّقواالله,إن الله

خبيربماتعملون-

O those who believe! Stand out firmly for Allah as witness to fair dealing and justice; and let not the hatred of others to you make you depart from justice. Be just: that is nearest to piety and fear Allah. For Allah is aware of what you do.[110]

Hafiz Ibn Taimiyah has cited a Prophetic saying on the authority of Haz. Umar bin al-Khattab:

مَن قلدرجلاًعلى عصابةوهويجدفي تلك العصابةمن هوأرضمنه فقد خان الله وخان رسوله وخان المؤمنين, فالواجب إنماهوالأرضى من الموجود,

If the person (in authority) placed on a group of people a man as authority on it in spite of the fact that in the group itself exist persons better than the one placed, such a person indeed betrayed Allah, betrayed His Prophet and betrayed the Believers. The incumbent on the authorities, therefore, is to select the best one out of the existing ones.[111]

It is order to learn and keep in mind here the position of the *Shariat* on the use of the right to vote, the late Mufti Muhammad Shafi (Ex-grand Mufti of Pakistan) has sought to determine the right to vote in terms of its statuses from the *Shariat* viewpoint:

Witness: it is that the voter bears witness to the effect that the candidate he is voting for is competent, trustworthy, sincere and truthful. Taken the voting from this angle, the voting shall be the subject to the rules pertaining to bearing witness.

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[110]. The Qur’an: al-Maidah 8

2. Ibn Taimiyah: Wazifatul Hukumatil Islamiya p.12

Going by the principle of bearing witness, false witnessing shall constitute the worst type of guilt. Being from the deadly sins, the false witness has been counted in line with the shirk.[112]

(1)**Recommendation:** The next status of voting is the recommendation. That is to say, the voter makes a recommendation to the election commission of the country on the candidate's representation in the legislative assemblies. Judging the right to vote from this aspect, it will essentially be subject to the rules relating to making recommendation. In this regard the Qur'an reads:

من يشفع شفاعة حسنة يكن له نصيب منها, ومن يشفع شفاعة سيئة يكن له كفل منها، وكان الله على كل شيئ مقيتاَ۔

He who recommends and helps a good cause is to share a part of it, and he who made a bad recommendation to help an evil cause shall have to bear a part of its burden. And Allah has power over all things.[113]

So far as the good recommendation is concerned, it is that it should be made for an able and honest person, full of the sense of his responsibility, true to the rights of the people. The bad recommendation, on the other hand, is to make it in favor of an incompetent, morally untrustworthy, sinful and tyrant person and helping him, thus, have power over the people. Taking the right to vote from the angle of recommendation, the voter shall have to share the reward of all the acts, whether good or

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[1] Cf. Bukhari, Muslim, Nailul-Awtar, vol.8 p.565

[1] . The Qur'an: 4:85

bad, to be done by the successful candidate one had voted for.

(2) **Delegation of authority to represent**: The third status of voting is delegation of authority to the candidate to represent the voter in the state and federal assemblies in respect of the affairs of the state and the people. According to principles of *wikalat* (delegation of authority) all the dispositions undertaken by the deligated authority, whether the dispositions are good or evil, are to be shared by the Principal on an equal footing. The voter could not evade the responsibility of the acts to be done by the successful candidate.[114]

To my opinion the voting may have a yet another status. That is, advising and counselling. To put it even more vividly, the Election Commission of the country—which is invested with the authority to select the top official of the country and his fellows from among the population of the country—seeks advice from the people of the country through the electoral process giving the right to vote and elect the best ones from among the host of the candidates in the fray. In response to the election commission's advice the voters of the country use their right to vote and intimate it secretly with their opinion. Taken the voting from this vision, it will be subject to the rulings pertaining to seeking and giving advice. In the *hadiths* seeking advice and

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2. Jawaharul-Fiqh vol.2 p.291-93

opinion has been proclaimed to be a trust on the authority of Abu Hurairah رضي الله عنه the Prophet صلي الله عليه وسلم to have said:

المستشار مؤتمن-

The advising person is a confidant.[115]

Jabir bin Abdullah رضي الله عنه reported the messenger of Allah to have said:

المجالس بالأمانة-

(where the The assemblies, the meeting places personal and private matters are discussed, views are exchanged or the advices are sought and given)are the places of trust.[116]

The following verse of the Qura'an enunciates the importance of the *amanat* (trust) in the following words:

إن الله يأمركم أن تؤدوا الأمانات إلى أهلها-

Allah does command you to render back the trusts to those to whom they actually belong.[117]

Taken from this view point, the voter while voting for the candidates shall be required to establish his trustfulness by exercising his right to vote with honest consideration and discreetness in favor of the comparatively better and morally sound candidate. The booth where he has exercised his voting right is also a trust which has to be kept secret as this too is included in the meeting points. Moreover, letting others know one's choice of the candidate is feared to cause mischief. From this

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1. Tirmidhi, Miskat

1. Reported by Abu Dawud, Mishkat

2. The Qura'an: Nisa 58

point, too, the assemblies are described to *amanat* (trust).

In the light of the foregoing discussion the act of voting may have four statuses—witness, recommendation or intercession, authorization and advice. Taking it as bearing witness exercising the right to vote will constitute an obligation and one shall stand obliged to vote for a good, truthful candidate. The Qur'an proclaims that bearing the true witness is a bounden duty of the people of faith:

يأيهاالذين آمنواكونواقوّامين لللہ شہداءبالقسط

"O those who believe! Stand out firmly for Allah as witnesses to justice and fair dealing.[118]

يأيهاالذين آمنواكونواقوّامين بالقسط شہداء للّٰہ ولوعلى أنفسكم أولوالدين والأقربين إن يكن غنيا أو فقيراً فاللّٰہ أولى بهما، فلا تتبعوالهواء أن تعد لوا، وإن تلؤوا أو تعرضوا فإن اللّٰہ كان بما تعملون خبيراً۔

"O those who believe! Stand out firmly for justice, as witnesses to Allah, even against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allh can best protect both. Follow not your lusts (of your hearts), lest you swerve, and if you distort (justice) or decline to do justice, verily Allah is well-acquainted with all what you do.

At yet another place the Qur'an commands the faithful:[119]

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[1] The Qur'an: 5:8

[119] al-Qur'an: 4:135

وأقيموا الشهادة لله

And establish the evidence for Allah.[120]

Concealing the true witness has been denounced in the following words:

ولا تكتموا الشهادة, ومن يكتمها فإنه آثم قلبه, والله بما تعملون عليم۔

And conceal not the testimony, and whoever conceals it his heart is sinful. And Allah knows all what you do.[121]

To explain the point in even clearer words, if the voter gets sure of one candidate's truthfulness, ability and honesty in comparison with all other ones in the fray, he will fall under obligation to bear testimony to his favor by the use of his vote for him. By not doing so, or using his vote in favor of any other candidate he will be earning a sin. But if the voter continues to be uncertain about a candidate, he may hold himself back from bearing testimony till he gets certain about a particular candidate. This detail is applicable to the voting if it is accorded the status of bearing witness. But, by contrast, taken the voting as recommendation, authorization, and advising, the act of voting in favor of a good candidate stands out a desirable act at the most. But in view of the consequences emerging out from the act of voting and greater communal and national advantages and collective interests, the voter is required to use his vote to elect the better candidates and thus do the good towards his community and nation. However, this ruling is not as much strong as of being witness; it is only in consideration to its ensuing results.

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[120]. The Quran: 65:2

[1]. The Qur'an: 2-283

Summing up the detail furnished above, the voting is obligatory only if it is treated as bearing witness, irrespective of its ensuing results. The rest three statuses of the act of voting may accord it the status of desirability at the most. The result, however, may increase the weight of its desirability. The force of its obligationality or desirability is to be decided by taking into account the ensuing results and the consequences. All the four statuses, nevertheless, have as common rule that taking part in democratic electoral process is better and commendable to the norms of the *Shariat* than not using one's franchise at all.

Electoral Candidate: the Standard to be Observed

However, the difference to be considered is that the candidates for the legislative assemblies are of two types. Some are those who come to the electoral arena from the platform of a political party. Others are free, without affiliations with a particular political party. So far as the free candidates are concerned, their personal life, moral condition and their vision towards Islam and Muslims are to be taken into consideration. The vote shall have to be cast in favor of the one of comparatively better character in respect of the aspects mentioned. As to those coming to the political arena as representative of a political party and fight the electoral war, it is the political party, its policy on national and international affairs, its election manifesto and the ideas and views of its high command that primarily matter and shall have to be taken into consideration before casting one's vote for or against its candidate. It is because of that the success of the candidate in fact is the success of the party the candidate is representing. The members winning for the national and provincial assemblies on the tickets of a political party have no their political existence; it is the party's manifesto and its political doctrines which are, chiefly, taken into account while forming the government and never the personal opposition of the individual members. The individual member is no more than a tool. He is committed to strictly adhere to the party's political doctrines and principles. The party is never ready to bear the existence of a member within its structure who is opposed to its political doctrines. In view of this fact the Muslims can never be allowed to join any political party which holds extreme anti-Muslim ideology, nor the general Muslims can be permitted to vote for a candidate of such a political party even if he is personally a good-natured and Muslim-loving or even he is a Muslim.

Opposed to the candidate of such a party, the Muslims shall be required to vote for the candidates of a party sticking to moderate ideas and views about Islam and Muslims; or lend their electoral support to candidates fighting the elections freely on their own and possess good moral and better ideas even though they are non-Muslims. This may be considered by tow ways:

1. One way is that the candidate of a political party which is prejudiced against Islam and Muslims has no existence in the field of politics beyond the party line even if the candidate is a Muslim. He is committed to follow the party line, and represent it national and international affairs. According to the *Fuqaha* the deputy and representative is subordinate to his client and principal in so far as matters pertaining to his deputyship. Going by this rule, it is the client and the principlal who shall be held responsible for all the dispositions undertaken by his deputy. Applications of this rule may be seen throughout the Fiqhi literature in chapters titled al-*Buyu* (Sales), al-*Nikah*, (marriage), *Sulh* (reconciliation).

Following is the precise juridical definition of *Wakalah* (delegation of authority):

الوكالة هى تفويض أحدأمره لآخروإقامته مقامه

Wakalah is the act of entrusting a person with one's task and placing him at one's place.[122]

2 The other way of considering this point is what the Fuqaha have furnished under the law of granting peace to the people belonging to the territory of war, or the territory of the enemy at war. According to the Hanafi viewpoint the peace granted by a slave under interdiction to the people belonging to *dar al-Harb* (territory of the

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[1] . Durr e Mukhtar: chap. Al-Wakalah vol. 2 p. 103

enemy at war with the territory of Islam) shall carry no legal bearing, even if the slave is in *Darul-Islam* after embracing Islam. However, his peace-granting would have full legal effect if he has got his freedom and has adopted the *Darul-Islam* to settle in. So because of that his adopting the territory of Islam as his home in spite of his being in possession of both means and might to leave the *Darul-Islam* and move to his natal homeland apparently establishes his love and solicitude towards Islam and Muslims even if he is not actually so and has adopted this imposture only to deceive the Muslims and work for the unbelievers as a spy of theirs in the *Darul-Islam*. As a matter of principle, the *Shariat* takes into notice the things at their face value unless established otherwise. Contrariwise, peace granted to a *harbi* (person belonging to the Enemy Territory) by a slave under interdiction who happened to accept Islam in the state of slavery carries no legal effect. For the condition of such a slave is apparently doubtful as he is racially and religiously associated with the Enemy Territory. It therefore will be a sheer folly to expect that he will give preference to the interests of Islam and Muslims to those of his own people and country. His accepting Islam would have been a motivating factor to make him prefer the interests of Islam and Muslims against his natal home, the Enemy Territory. But his accepting Islam under the state of slavery and interdiction can not be treated like that of embracing Islam freely at one's own instance. The probability that the slave pretends to be a Muslim only to secure his interests can not be excluded; it may be as true as his being sincere and solicitous to Islam and Muslims. His grant of peace, to the enemy of the *Darul-Harb* shall carry no legal effect as his character is far from being doubtless. The same point has been expressed by Qazi Abu Zaid Dabusi in the following words:

إن أمان العبدالمحجورلايجوزعنده(يريدأباحنيفه رحمه الله) لأنه متهم في الأمان فلا يجوزقياساًعلى الزمى, ووجه التهمة إن العبد له قرابة وعشيرة في دارالحرب فيؤثرهماعلى المسلمين فصار كاالزمى, ولايلزم على هدا مالوعتق ثم آمن, لأنه أُعتق واطلق وزالت يدالمولى عنه, واختيارالمقام في دارنا مع قدرته على العودإلى دارالحرب فقدارتفعت التهمة .....فإن قيل فيستدل بإسلامه على أنه يؤثر منفعة المسلمين على الكفار, قيل له بنفس الإسلام لا يستدل لانه مكر على ذالك, والإكراه يمنع تحقيق ما أكره عليه۔

The peace granted to a harbi by a slave under interdiction is not legally effective according to Imam Abu Hanifa. So because he is under suspicion of disloyalty towards Islam and Muslims, as being the case with the *dhimmi* (a non-Muslim of the Enemy Territory who lives in Darul Islam under the State protection).

The source of suspicion being that the slave has his relation and family in the Territory of Enemy and he, in all probability, shall give preference to the interests of his relation and family to those of the Muslim. In fact his case is more like of the *dhimmi*. But he will be above suspicion if he embraced Islam after gaining his freedom. For he is now free, no longer under the control and servitude of his master, and his staying with us despite being in possession of the means and might to move to his natal homeland, the Territory of Enemy removes suspicion from him. Here one may argue that his being Muslim shall make him prefer the Muslim interests to those of non-Muslims. The answer is that slave's Islam can not be the basis for such a good estimation of his faith as he is compelled to do so, and the compulsion prevents the realization of the thing against which the compulsion has been exercised.[123]

Although for the Muslim candidates of the political parties the terminological use of interdiction is hardly in terms with the relative norms of the *Shariat*, yet the strict nature of their commitment towards the party ideology, which they invariably have to maintain under the majority pressure, weakens their inner Islamic feelings so much that they are rendered almost impotent to do any good for their Muslim community. They stand compelled to hold their party line and its interests dearer to

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[1] Tasisun Nazar print . . Egypt

those of Islam and Muslims there arises a contradiction between the two. The good moral of the candidate and his personal nobility could hardly dissociate him from the party's ideological foundations. Granted a strong Muslim or a good natured candidate is able to exercise influence over the party due to his powerful personality he too is not above suspicion, and apparently his voluntary joining the party strengthens the suspicion; and according to Imam Abu Hanifa, as has been put above, being a person's under suspicion of having relationship with a party having rancorous belligerent attitude towards Islam and Muslims is treated as reality which can not be removed by candidate's personal nobility and individual good character.

The detail put above makes it plain that while deciding upon the voting for or against a candidate it is his political party whose ideology and attitude towards Islam and Muslims has to be primarily taken into consideration. The personal virtues and good character of candidate is only a secondary consideration.

Chapter Five

Islamic Principles of forming political Alignment with Political Parties

As the political elections draw near, different political parties, driven by their own specific interests, embark upon forging alignments with other rival political parties and entering into pacts with each other so that they might win the elections in a better way. With a view to secure and guard the Muslim *milli* interests and the collective benefits of the *Ummah* in a democratic country, a Muslim party or group, political or otherwise, may be permitted to enter into agreements and forge alliances with them, even if those non-Muslim parties hold hard line ideologies and begot philosophies. The only condition is that the alignment should not be harmful to the identity and distinct character of the Muslims, their political identity, Muslim national dignity and self-respect, and the other party is prepared to expunge from its manifesto the hard-line ideas and bigot views that are opposed to the real interests of Muslims; and is ready to contest the elections on common foundations. On similar lines, the Muslims may lend their political support to a political alignment forged between a secular party holding relatively moderate views towards Muslims and their religious as well as temporal interests and the extremist non-Muslim political parties on common bases on condition that the latter is ready to relinquish its destructive and anti-Muslim ideology. A Muslim too may contest elections under the banner of such an alignment.

Such an alignment could be forged out only when there exists no Muslim or moderately secular political party on the political scene and this alignment is not supportive of the non-Muslim hard-line political parties. For such an alignment the following Qur'anic verse provides a sufficient base.

قل ياأهل الكتا ب تعالوإلى كلمة سواء بيننا وبينكم اَن لانعبدالاالله
ولانُشرك به شيئاولايتخذ بعضُنا بعضاًارباباًمن دون الله۔
(آل عمران64)

'Say: "O People of the Book! Come to common terms as between us and you; that we worship none but Allah; that we associate no partner with Him; that we erect not, from among ourselves, Lords and Patrons other than Allah:
(al-Qur'an 3:64)

The verse quoted above invites the Jews and the Christians to come to terms with Muslims on terms common between the Muslims and the Jews. The invitation has been extended to the Jews Christians in spite of the fact that the Jews happen to be the strongest in enmity to Muslims and Islam. This is a fact which not just is provably the history of the past as well as of the present, but is proclaimed by the Qur'an as well. The following verse has established this as a permanent fact.

لتجدن اشدالناس عداوة للذين آمنواالیھودوالذين أشركو,
(المائدة82)

"Strongest among men in enmity to the believers will you find the Jews and the polytheists"
(al-Qur'an:5:82)

From this verse it can safely be gathered that Muslims may be permitted to forge alliances even with hard-line non Muslim groups under the conditions when their national and religious interests are threatened and they are left with no option other than so doing. But such alliances must .be based on the common terms

Examples of political alliances with non-Muslim during the age of Holy Prophet صلى الله عليه وسلم

We find practical examples of political and strategic alliances in the blessed age of the Holy Prophetصلى الله عليه وسلم which he had to enter into under diverse conditions. To mention here three of them:

1. The Madina pact

Historically, the first pact the Holy Prophet صلى الله عليه وسلم concluded after his *hijrah* is the one which he made with the Jews of Madina. The constitution committed to writing for the execution of this pact mentions clearly the most terms reached at by both the parties. The complete text of the agreement could be seen in the *Tareakh-al-Kamil*, al-*Bidayah wal-Nihayah*, *Seerah Ibn hisham*, etc. We are going to mention here only some common terms on which the agreement was permised.

(1)إن اليهودأمةمع المومنين

(1) The Jews are as much a separate people as are the Muslims.

(2) وإن بينهم النصرعلى من حارب هده الصحيفه

(2) The Muslims and the Jews shall stand committed to fight the one infringing upon this agreement.

(3) وإن بينهم النصح والنصيحةوالبردون الإثم.

(3) They shall be committed to be solicitous and sincere towards each other; and the virtue rather than the wickedness, shall be the base of their mutual relationship.

(4) وإن النصرللمظلوم

(4) The support shall be lent only to the wronged

(5) وإن بينهم النصرعلى من دهم يثرب

(5) They will unitedly fight the enemy attacking *Yathrib.*

(6) وإ ذا دعواالي صلح يصالحونه ويلبسونه, فإنه يصالحونه ويلبسونه, وإنهم إذادعو، الى مثل ذلك فإنه لهم على المؤمنين, إلا من حارب فى الدين

(6) Should the Jews are ever invited to a treaty to conclude and enter into (with a people), they may do so; and if they are invited to a similar one, the Muslims, too, shall stand committed

to follow it, but not if the treaty is concluded on terms opposed to Islam.

In this alliance the Muslims, under the Holy Prophet صلى الله عليه وسلم held a superior position, and in the event of any disagreement between the parties of the Alliance the final authority was declared to be with Allah and His Messenger صلى الله عليه وسلم. Although this alliance was concluded during the *Madani* period, which indisputably is the period of the Muslim ascendancy, still from it we may infer the legality and permissibility of forging political alliances with non-Muslims on common human terms.

2. Hilful Fudhul

The *Hilful Fudhul* was an inter-tribal alliance, formed in *Makkah* just twenty years earlier than the advent of the Holy Prophet صلى الله عليه وسلم. The Prophet صلى الله عليه وسلم, then only twenty years old, took part in it with enthusiasm and consciousness. In the perspective of a particular event the *Hilful Fudhul* was concluded between the clans of *Banu Hashim*, *Zuhra*, *Tem bin Murrah*, etc, on common bases such as maintenance of peace, human sympathy, support for the oppressed, fighting against the wrong-doers, and soon. For a detailed account of the clans of the alliance the references like al-*Bidayah wal-Nihayah* (vol. 2 p.291), *Ahkamul Qur'an* (of Imam al-Qurtubi) vol.6 p.33), etc. may be consulted.

With regard to this alliance of carnal importance for us is the following saying of the Prophet which is reported by Haz. Talha bin Abdullah bin Auf:

لقد شهدت في دار عبدالله بن جدعان حلفا ماأحب أن لي به حمرالنعم, ولو ادعي به فى الاسلام لأجبتُ-

"I witnessed at the house of Abdullah bin Jadan an alliance which was dearer to me than the red (precious) camels. Should I am ever called to such an alliance now in the days of Islam, I shall readily respond.[124]

This alliance preceded the advent of the Prophet of Islam by twenty years, and quite obviously, no participant tribe happened to be Muslim. The Prophet صلى الله عليه وسلم took part in it with his full consciousness. There was no question of superiority for any participant clan. Of such an agreement the holy Prophet صلى الله عليه وسلم expressed his deep admiration and his preparedness to accept such an alliance even in the days of Islam when all things were set right.

From this *hadith* we may safely infer that in order to achieve its communal and religious interests, particularly in the countries where the Muslims live as minority, the Muslim community may form alliances with non-Muslim communities and groups on such common terms as are not in opposition to the principles of the Islamic *Shariat*.

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[124] . Baihaqi vol. 6 p. 367 print, Bierut, Lubnan

The Renewal of the *Khuza’ah* Treaty 3.

A similar treaty took place during the pagan age between *Banu Abdul Muttalib* and the *Khuza’ah* clan. In the Islamic literature the said treaty is known as the *Khuza’ah* Treaty, and the history of Tabri and other authentic books provide a detailed account of it. This treaty was based on mutual cooperation, love, peace and solicitude towards each other. The most significant clause of the treaty, however, was the following:

وإن عبدالمطلب وولده ومن معهم ورجال خزاعة متكافؤن, متضافرون,متعاوفون, على عبدالمطلب النصرة لهم بمن تابعه على كل طالب, وعلى خزاعة النصرلعبدالمطلب وولده ومن معهم على جميع العرب في شرق أوغرب أوحزن اوسهل وجعلو الله على ذلك كفيلا۔

(According to this treaty) Abdul Muttalib, his sons and all those with him and the people of *Khza’ah* all stand equally committed to support each other on equal terms. Abdul Muttalib shall be committed to help Khuza’ah against all the Arabs if the *Khuza’ah* ever stand in need to. The *Khuza’ah,* likewise, shall stand committed to help Abdul Muttalib, his sons and all those with him against all Arabs; apart from that the enemy happens to be in the east, west, in the hard land or in the soft land. And make Allah the witness on it.”

This treaty was known to the Holy Prophet . On the eve of the Treaty of صلى الله عليه وسلم *Hudaibiah* the people of *Khuza’ah* approached the and submitted a copy of this صلى الله عليه وسلمProphet read رضی اللہ عنہ treaty to him. Haz. Ubai bin Ka'ab out the contents of it. Heard the contents, the said: your this pact shall be صلی اللہ علیہ وسلم Prophet upheld; Islam does not abrogate the pacts and treaties of the of the pagan days." Then the Prophet renewed this pact of the pagan past صلی اللہ علیہ وسلم and added to its contents the following clause:

وأن لا يُعين ظالماَ, وإنمايَنصرمظلوماً

"The wrong-doer shall in no case be helped; it is the wronged who shall be helped."[125]

So far as the said pact is concerned, it as such holds little importance; during pagan days making alliances was a common practice. The important صلی اللہ علیہ وسلم point, however, is that the Prophet upheld this alliance which was premised on the noble human traits like mutual help and love to each other on the grounds of sincerity and , صلی اللہ علیہ وسلم solicitude. Ratified by the Prophet this alliance became part of the *Sharia*t.

Entering into Military Alliances with non-Muslims

صلی On more occasions than one the Prophet entered into military alliances with non- اللہ علیہ وسلم Muslims. He secured military support from *Banu Qainuqa*, also a Jewish clan of *Madina*, against the *Banu Quraizah*, a Jewish clan hostile to Islam and Muslims. In the expedition of *Hunain* and *Taif* Safwan bin Ummayyah took part in the actual war, notwithstanding that he thus far was out of the fold of Islam. Still, no denial of the fact that on several occasions the Prophet صلى الله عليه وسلم declared it impermissible to seek military support from the polytheists.[126]

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[125]. Tareekhe Tabri P.1084, al-Yaqubi vol. 1.p.278 with reference to al-Wathaiqus Siyasiyah p.373-74)

In the light of the Prophet's two different behaviors and directions, the *Fuqaha* have arrived at the conclusion that any military alliance with non-Muslim groups is subject to the following conditions:

- The Muslims must hold a superior position in the alliance.
- The alliance must not include the exchange of sensitive military secrets of the Muslim military forces.
- Such cooperation is not apparently against the Muslim communal expediencies.
- The Muslims fear no boasting on the non-Muslims of their supporting the Muslims and making alliance with them.
- The Muslims feel not proud of their alliance with non-Muslims; instead, they must repose their total trust in Allah alone.
- The Muslims stand really constrained to make such an alliance with non-Muslims.

If such conditions are properly met, the Muslims may permissibly forge a military alliance with non-Muslims according to the Hanfi, Shafie and Hambali viewpoints.[127] In the present age the political elections form a sort of war and fighting. With the intention to keep the hard-liner and bigot political groups out of the reins of power, or to force them to shift from their anti-Muslim hard-line ideologies, if the Muslim political groups feel it expedient to enter into electoral alliances with the clean image secular political groups, they may do so provided that they consider the above-mentioned conditions well.

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[126]. Nailul-Awtar, vol.7 p.127 with reference to Ahmad, Muslim

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[127]. Sharah al-Siyar 3/186, Raddul Muhtar6/242, Kitab-al-Umm.4/89-90

Section 2

Lending Support to a non-Muslim Political Party

As far as the supporting of a non-Muslim political party by Muslims is concerned, the Muslims may really face a dilemma when they are without a political party of their own to fight the elections on the strength of its own and therefore is obliged to seek the political support of non-Muslim political groups on the basis of complete equality, and in the political arena there exist only the non-Muslim political parties and the Muslims have no options other than aligning themselves with either one out of the non-Muslim parties in exchange of that the party is prepared to allot some seats for Muslims to fight election from its platform and reach the national assembly as its representative. Or, the Muslims do have their own political party but it is not recognized by non-Muslim parties as a strong one and they are prepared to accept the Muslim political party only as a weaker group, with no considerable political weight in the substantial policy matters. Under no conditions put above the stipulation of the Muslim superiority is satisfied. In such countries like India the Muslims often face such situations and they, for the most part, have to enter into the political alliances of the type. Barring only a few ones, the Muslims have no mentionable political party to enter the arena of political war on the strength of its own. Much as the *Fiqhi* literature offers no categorical solution to the problems of this nature, still we are able to seek guidance in this regard from some events of the Holy Prophet's age as well as from some juristic statements as well.

Zubair b. Awwam's visit to the Battle-field of the *Nugus* and the Invader

During the Muslim migrating group's stay in Ethiopia the country was invaded by an enemy of the *Nugas*. Deeply concerned, the *Nagus* came out to face the enemy. The Muslim migrants, who had sought asylum in Ethiopia under *Nagus* from the inhuman torture of the pagan *Quraish* of *Makkah,* were extremely anxious taking in mind their safety and security and fearing their possible deprival of the measure and amount of the religious freedom, they enjoyed under the *Nagus*. Haz. Umme Salma **رضی الله عنها**, still the wife of Haz. Abu Salma, and who later came under the wedlock of the Holy and thus rightly secured the **صلى الله عليه وسلم**Prophet everlasting title of the Mother of the Faithful, expressed the Muslim's position under that critical situation in the following words:

فوالله ما علمناحزناقط كان أشد من حزن حزناه عند ذالك, تخوفاًأن يظهر ذالك الرجل على النجاشي, فيأتى رجل لا يعرف من حقنا ما كان النجاشى يعرف منه,

By Allah, never before we had to face such a disheartening situation as we had to do (when Ethiopia under the *Nagus* was faced with the threat of invasion). In the event of the invader's triumph over the Nagus we feared his behavior towards us might not be as good as we enjoyed under the *Nagus*.

To keep themselves aware of the developments taking place in the battle-ground, the Muslims decided to send a person of theirs as their Zubair bin al-Awwam, the representative. Haz. youngest in the migrant band, got ready to go to the battle-ground. Having crossed the river Nile by swimming, he approached there. The rest of the Muslims engaged themselves in prayer, asking Allah Ta'ala for the victorious return of the *Nagus* from the battle-ground. To the unbounded happiness of the Muslim migrants, the *Nagus* defeated the enemy and repulsed the invasion. This way the Muslims' expression of their sympathy of towards the Nagus added a lot to the respect and reverence they enjoyed with him.[128]

Although the said event has reliably been transmitted to us, yet some men of knowledge interpret it that Haz. Zubair's visit to the battle ground was not meant to take part in the actual war; it was meant only to keep themselves aware of the developments taking place in the battle-ground. According to these men of Islamic learning, Haz. Zubair's doing can not serve as a basis for the permissibility of Muslims' to take part in the actual war between the two unbelieving armies, siding themselves with either one of them. Each of the unbelieving armies is the group of Devil; and under no set of circumstances the Muslims are permitted to lend their support to any group of the Devil. More over, we have no categorical knowledge of the Prophet's reaction to the doing of Zubair. We, likewise, can not exclude the possibility of the *Nagus*'s turning Muslim before the event under discussion took place. Talking into account such points as put above, it would be unjust to use the of permissibility doing of Haz. Zubair as a basis for fighting under the banner of disbelief.[129]

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[128]. Ibn Hisham 1/183, al-Bidayah wal-Nihayh 3/87

Correct Nature of Argumentation with the Ethiopian Event

Apart from the comments on the mentioned Ethiopian event proving it as unfit to serve as an example for the Muslims' lending their support to non-Muslims, the event needs to be pondered over from a different angle. The following points need to be considered:

(a) Haz. Zubair's doing added very much to the respect he already enjoyed in the eye of the *Nagus*. Now if his visit to the battlefield was meant only to keep himself aware of the vicissitudes and developments taking place there, and he took no part in the actual war, then what thing the *Nagus* did realize in the doing of Haz. Zubair which made him appreciate and acknowledge his doing so greatly?

Maintaining that he did not take part in the actual war, what seems probably certain is that in the battleground Haz. Zubair must have done some thing which the *Nagus* appreciably noticed and which added more to the respect of Zubair and Muslims in the eye of *Nagus*. Zubair's stay in the battleground mere as a spectator is not such a thing which may make one more respectable with a person of the majestic position.

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[129]. Imam Muhammd: al-Siyarul Kabir 3/187 with reference to Ilaa us Sunan 13/60,61

(b) As regards Haz. Zubair's visit to the battleground to gather the correct knowledge of the developments taking place there, it may be regarded useful only with respect to Muslims. By the general people such a visitor must have been considered a military representative of either one battling group. It is therefore safe to maintain that Haz. Zubair conducted himself in the battlefield in such a way as made the *Nagus* appreciably feel his presence there, and he got more convinced about the Muslims' faithfulness towards him. Anyway, from the expedient maneuvers Haz. Zubair undertook in Ethiopia we may draw important lessons to deal with the situations we are faced with in modern times.

(c) Taking part in war does not necessarily mean the taking part in the act of fighting. The order of arrays in the battle-field is to be necessarily considered, for sometimes the total army is not used to take the war to a decisive turn. Haz. Zubair's presence in the battle-field may be regarded as an act of encouraging the battlers of the *Nagus,* although he took no part in the actual fighting. The Holy Prophet صلی اللہ علیہ وسلم is reported to have said:

من كثرسوادقوم فهومنهم, ومن رضى بعمل قوم كان شريك من عمله به

"The person augmenting the number of a people, he shall be regarded from among them; and if a person liked an act of a people shall be regarded a sharer of the act."[130]

It needs not mention that in the war the numerical majority occupies great importance and is an effective weapon to terrify the enemy. The battle of *Badr* offers a very conspicuous instance in this regard.

(d) For the Muslim migrants in Ethiopia the problem was not merely of taking part in war as a proof of their loyalty towards the sovereign of the State of Ethiopia, they faced the question of their very existence there as the followers of Islam for the safety of which they had to abandon their homes and town. Indeed it was the very question which had put the Muslims at extreme unease for a while. The same was the question which had prompted them to send Haz. Zubair as their representative to the battleground, who reached there having crossed the Nile by swimming. In the event of the defeat of the *Nagus* the migrant band of Muslims envisaged great threat for their existence in Ethiopia as Muslims. For the same reason they knelt down in prostration before the Almighty Allah. This establishes the rule that if the Muslims are faced with the question of their religious identity under a secular or communal State may offer their military services to the defence of the State against a foreign invasion, thereby to save themselves and their existence in the country as a religious entity. This shall be applicable only when such an offer on the part of the Muslims is welcomed by the state and Muslims' military services are believed to satisfy the demand of the state. The *Fuqaha*, too, permit the Muslims to adopt such a course of action notwithstanding the supremacy of the disbelief, if they are so asked to assure their loyalty to the State. From the following expression of Imam Muhammad's *Sharh al Siyar*, although it is about Muslim captives under disbelievers, we may deduct such a solution.

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[130]. Musnad Abu Yala, Nasbur Rayah 4/346

ولوقال أهل الحرب للأُسراءفيهم "قاتلوامعناعدوَّنامن المشركين" وهم لايخافون على أنفسهم إن لم يفعلو, فليس ينبغى ان يقاتلومعهم, لأن فى هدالقتال إظهارالشرك والمقابل يخاطر بنفسه فلارخصة فى دلك إلاعلى قصدإعزازالدين أوالدفع عن نفسه, فإذاكانويخافون اولئك المشركين الآخرين على أنفسهم فلابأس بأن يقاتلوهم لأنهم يدفعون الآن شرالقتل عن أنفسهم – ولوقال لأُسراء "قاتلومعناعدونامن أهل حرب آخرين على أن نخلى سبياكم إداأنقضت حربنا", لووقع في قلوبهم إنهم صادقون فلابأس بأن يقاتلومعهم, يدفعون بهذاالامرعن أنفسهم -

"In case the People of *Harb* ask the Muslims under their captivity to take part in war with them against their polytheist enemy and Muslim captives are not otherwise threatened of their life, it will not be permissible for them to side with their captor disbelievers against their polytheist enemy, for in either case it will involve the ascendancy of the disbelief and paganism. Taking part in war and fighting amounts to endangering one's life. The life can never be endangered unless the defense of Islam or the defense of the self is involved. However, if the Muslim captives have a serious threat from the pagans of other side, they may take part in war (siding themselves with their captor disbelievers), for now this war in fact is for their self-defense. If the People of the *Harb* ask their Muslim captives to take part in war from their side and promise the grant of freedom to them, the Muslim captives may take part in war with them if they feel sure of their promise. This would be a war in the hope of their defense".[131]

Going by this principle, the Muslim minorities of the countries where they stand unable to take part in the political warfare through the electoral channel on the strength of their own and their support to a comparatively less hard-liner political party in the electoral fray is expected to yield religious and communal advantages which otherwise could hardly be secured, or the Muslims' non-cooperation with a secular political party in the electoral process is feared to level the ground for a hard—liner anti-Muslim group to grab the reins of power in the country's political system, or the Muslims' refusal to take part in the country's political process is feared to be seen as a sign of disloyalty towards the national interests of the land,—under all such conditions the problem remains not limited only to take or not to take part in the electoral process of the land! It now will assume an importance greater still, becoming a problem directly connected to their religious and communal existence and identity in that country.

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[131]. Sharhul Siyar al-Kabir 3/241-43.

Seen in the light of the principle put above, the event of Ethiopia under discussion needs no interpretation like whether the event was brought to or صلى الله عليه وسلمthe notice of the Holy Prophet not. First because of the juridical principle that the inference of the Companions (not objected to) holds good. صلى الله عليه وسلمby the Prophet , the رضى الله عنهاSecond, Haz. Umme Salma narrator of the event, and who later came in the , is not صلى الله عليه وسلمwedlock of the Prophet supposed to forget to tell this important event to . But she did صلى الله عليه وسلمthe Holy Prophet report neither reaction of his to it taking place during the Muslim migrants’ stay in Ethiopia. As a matter of rule, the Prophet’s silence is arguably a proof of the validity of the doing of Haz. والله أعلم بالصوابZubair in Ethiopia

Combat Between Romans and Persians and the Muslims’ Reaction to it

During the *Makkan* period of Islam both the Romans and the Persians were the adherents to un-Islam, and for decades they remained extremely hostile to each other. The victory of the Persian polytheists over the Christian Romans naturally saddened the monotheist Muslims. When the Qur’an foretold the victory of the Romans over the Persians within the course of a few years of the near future, it naturally sent a wave of happiness in the

Muslims. The Muslims were so sure of the Qur'an's prediction in this regard as Haz. Abu Bakr the Truthful bet Ubai bin Khalf on the victory of the صلى الله عليه Romans against the Persians. The Prophet himself gave him expedient advices in this وسلم connection. The Romans scored a decisive victory against the polytheist Persians exactly according to the prediction of the Qur'an. The Muslims received this gladdening news while they were in *Madinah* 's and the صلى الله عليه وسلم after *hijrah*, and the Prophet Muslims' joy new no bounds.[132]

(For further detail the commentaries on the Qur'an may be consulted.)

Justifying the joyful reaction of the Prophet and of the Muslims' over the victory صلى الله عليه وسلم of the Christian Romans against the polytheist Persians, Ibn Taimiyah writes:

وقد كان النبى صلى الله عليه وسلم وأصحابه يفرحون بانتصارالروم والنصارى على المجوس- وكلاهماكافران- لأن أحدالصنفين منهماأقرب إلي الإسلام-

and his صلى الله عليه وسلم The Prophet companions were happy at the victory of the Romans and Christians against the *Magus*, notwithstanding the fact that both the parties were disbelievers, it is because of that one party of them happened comparatively closer to Islam".[133]

From the above it may safely be deducted that in the event of war between two non-Muslim parties it would constitute no sin on the part of the Muslims to have moral sympathy even lending their moral

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[1]. Cf.Tafseer al-Mazhari 7/219 Pr. Rashidiy Koita, Pakistan

[1]. al-Hisbah fil-Islam, pr. Darul Fikr, Lubnan

and material support to the party holding a better outlook towards Islam and Muslims. Being at *Makkah* at the time of war between the Romans and the Persians, the Holy Prophet صلى الله عليه وسلم and his Companions were not in a position to render any material help to the former which had suffered a crushing defeat at the hands of the Persians. But a prediction of the Romans' victory over the Persians within a few years of the future on the part of the Qur'an was indeed a very considerable assistance for the Romans. No support for a defeated people could be of greater value than foretelling its victory on the strength of the Devine Revelation within only a few years of the future. Were the Romans able to receive such a foretell, they would have felt themselves highly encouraged. This prediction, on the other hand, put the pagans of *Makkah* at extreme unease. No support from the Prophet صلى الله عليه وسلم and the Muslims for the Romans could have been possible at that time and clime better than what the Muslims offered.

An Inference from the Expedition of Trenches

At the crucial juncture of the Battle of the Trench (also called the Battle of confederates) whole the pagan Arab had decided to invade *Madina* with the greatest numerical force. This unexpected turn of the affairs put the Muslims to a critical state beyond imagination. The situation was so threatening as the Qur'an has depicted in the following words:

إذ جاؤكم من فوقكم ومن أسفل منكم وإذ زاغت الأبصاروبلغتِ القلوب الحناجروتظنون بالله الظنوناOهنالك ابتلى المؤمنون وزلزلوا زلزالاًشديداًO

When they came on you from above you and from below you, when the eyes turned dim, and the hearts gaped up to the throats, and you imagined various thoughts about Allah. It was the situation in which the believers were tried. They were shaken by a tremendous shaking.[134]

Hit hard by the enormity of the situation, the thought of different صلى الله عليه وسلمHoly Prophet types of military policies to face the collective military might of the pagan Arabs. From among such policies was to make an offer of the one third of the total date–yield of Mdinah to the *Ghatafanites* in order to create a rift between the coalition military forces and make the *Ghatafan* neutral. With this proposal he sent his envoy to two *Ghatafanid* chiefs, namely Uyaina bin Hisn and Haris bin Auf al-Muzani. The draft of the agreement was almost ready. But before finalizing the deal it seemed laudably fit to hold consultations with Haz. Sa'ad , the رضی اللہ عنہماbin Mu'adh and Sa'ad bin Ibadah chief of the Aus and Khazraj. Both the chiefs were invited and informed with the enormity of the 's صلى الله عليه وسلمsituation. Learnt the Prophet proposal, both the chiefs said:

"If you are going to do this all in the light of the Revelation from Allah, we have no option other than unconditional hearing and obeying. If you are doing so on your own, your opinion too deserves every respect. But in the past never we got too obliged as to give them even a single piece of date as a tribute to those tribes. They could eat with us only as a guest. Today when we are Muslims and Allah Subhanahu wa Ta'ala has honoured us with His greatest favours, Islam and His Prophet صلى الله عليه وسلم, we deem it totally unfit to give our wealth to those disbelieving tribes. We have only the sword till Allah decides between us and them."

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[134]. The Qur'an: 33-10-11

This courageous reply was much to the gratification the Prophet صلى الله عليه وسلم; he tore the draft and dropped the idea.[135]

From the doing of the Prophet صلى الله عليه وسلم, as we see in the details of the expedition of al-*Ahzab,* it may be deducted that under threatening conditions the Muslims may permissibly adopt the course of compromise and truce with non-Muslims in the exchange of an acceptable thing, thereby to neutralize the hard-line non-Muslim enemy. For so doing the only condition is that it must not bring disgrace to Islam and Muslims. To strengthen this deduction from a reliable source:

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[135]. al-Talkhisul Habir 2/381, Tareekh Tabri; 4/147, Seerat Ibn Hisham p.676, Tabaqat Ibn Sa'ad 2/52-53, Imtaul Asma of al-Miqrizi 1/235, al-Wathaiqul Siyasiyah p.74)

ففى هذالحديث بيان إنّ عندالضعف لابأس بهذه الموادعة, فقد رغب فيهارسول الله صلى الله عليه وسلم حين أحسّ بالمسلمين ضعفاً, وعندالقوة لايجوز, فإنه لماقالت الانصارماقالت علم رسول الله صلى الله عليه وسلم منهم القوة, فشق الصحيفة, وفيه دليل إن فيهامعنى الاستذلال, ولأجله كرهت الأنصاردفع بعض الثمار,والإستدلال لايجوزأن يرض به المسلمون إلاعندتحقق الضرورة۔

This *hadith* establishes the rule that in the condition when the Muslims are communally weak such compromises may be made like that the Holy Messenger of Allah did when he felt the Muslims overburdened. But it would not be permissible if the Muslims possess sufficient strength. That is why the Prophet صلى الله عليه وسلم held back from finalizing the deal when the Helpers said whatever they said and he knew their strength and courage, and tore the draft. Such a *muwada'ah* of course contains a shed of disgrace, and for this very reason the Helpers expressed their displeasure at giving a part of their fruits (to *Banu Ghatfan*). As regards the disgrace, it would never be permissible for Muslims to accept it for themselves except that they think it really expedient for them.[136]

This too offers a practical example of the principle that under straining circumstances the Muslims may offer their material and moral support to non-Muslim political or military groups, thereby to corner them from other non-Muslim political or military groups.

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[1]. Sharh al-Siyar 4/6 with reference to Ilaus Sunan 12/55

The vote, politically speaking, holds an incomparable importance to all the political parties in our age. Sometimes it may cost millions of dollars and rupees. If the political conditions of a country put the Muslims in a position where they are able to use their political weight to bring a comparatively less communal non-Muslim group to power, with an objective to secure their communal and religious interests, or contribute to the formation of the government of various political groups in order to protect their honor, prestige and their religious legacy and assets against the mischief of the bigot of the non-Muslim groups, they may do so and this will constitute to no wrong on their part. Even by so doing the Muslims may expect a reward in the Hereafter.

The Example of Prophet Yusuf عليه السلام

Prophet Yusuf عليه السلام’s way he followed in Egypt under the political dominion of a non-Muslim ruler offers a good supportive example to what we have just put in the preceding lines. He not just served his people there by adopting this line of action, he preached the religion of Islam among the Copts as well. To quote Ibn Taimiyah here,

وكذلك يوسف الصديق كان نائباً لفرعون مصروهووقومه مشركون, وفعل من العدل والخيرماقدرعليه ودعاهم إلى إلإيمان بحسب الإمكان۔

“In the same way, the Prophet Yusuf (Joseph) was the deputy of the Pharos of Egypt, who as well as his people were polytheists. Yousuf did the acts of justice and virtue as much as he could within the bounds of his authority and preached the religion of Islam among them according to his means and might."[137]

To sum up, the details furnished above are enough to establish the rule that in order to secure their religious and national interests, the Muslims, in times of need, may permissibly lend their support to one from among the non-Muslim political parties in the electoral fray, and forge alliances with them. It must be remembered that the Muslims are never allowed to follow this line if they are not forced by the straining conditions for so doing. They are always asked by Islam to take part in an alliance as a dominant constituent thereof. They may accept the dominance of the disbelieving parties of an alliance to secure their legitimate sacred and secular interests, and also to keep abreast of the nation in the national move of progress and development only when they have no other way than it. On the same pattern, it may also be permissible to cooperate with non-Muslim groups for the purpose of establishing justice, fairness, equity and peace, noble values and good traditions. Such a cooperation, too, must not entail any disobedience to the law of Islam or bring disgrace to Islam and Muslims. The Prophet's accords like *Hilful Fudhul*, the Treaty of *Khuz'ah* and the Charter of *Madinah* offer the best examples in this regard.

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1 Ibn Taimiyah: Wazifatul Hukumatil Islamia p.13

Chapter Six

Muslims and non-Muslims and their Inter-relationships

There are countries and lands in the world where the Muslims live amidst the non-Muslim nations. This living together engenders a number of issues and problems, especially with regard to Muslims.

Cultural Intermingling with non-Muslims is opposed to the Nature of Islam

First of all, we shall be required to determine that to what extent this social intercourse affects the cultural and moral aspects of the Muslim society. The Muslims, as a matter of rule, have emphatically been asked to keep themselves strictly away from the rites and cultural traditions of the non-Muslims. Muslims have been prohibited to seeking similarity with or emulating the non-Muslim. In formulating the ways of worship and social traditions Islam has hit a line which is perfectly pure of all un-Islamic effects and impressions. There are many *hadiths* which ask the Muslims to maintain their cultural purity, letting it remain unaffected by the effects of non-Muslim cultural and civilisational impact. To cite here some of them for example.

من تشبه بقوم فهومنهم

On the authority of Haz. Abdullah b. Umar is reported to have صلی اللہ علیہ وسلم the Holy Prophet said: One who sought a similarity with a people shall be counted from among them."[138]

- Abdullah bin Amr bin al-As رضى الله عنه stated that "Once the Prophet صلى الله عليه وسلم saw two saffron colored garments on my body. He reacted as:

إن هذه من ثياب الكفار، فلاتلبسهما۔

"These are from the clothing of the disbelievers. So do not wear them".[139]

- Haz. Rukana reported the Holy Prophet صلى الله عليه وسلم to have said:

فرق ما بينناوبين المشركين العمائم على القلانس۔

"What makes us different (in wearing) from the idolaterous is our turbans over the caps."[140]

- Haz. Buraida رضى الله عنه reported that the Prophet صلى الله عليه وسلم saw a person wearing a brass ring. The Prophet صلى الله عليه وسلم said to him: "I smell paganism in you" He threw away the ring and then wore an iron ring and came to the Prophet صلى الله عليه وسلم. Seen the iron ring in his finger, the Prophet صلى الله عليه وسلم said: I see the ornament of the Hellish people on you." The person threw the iron ring too and asked the Prophet صلى الله عليه وسلم what metal his ring should be made of. "Of

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[1]. Narrated by Ahmad, Abu Dawood, Mishkat p.375, chap.Libas

[139]. Narrated by Muslim, Mishkat p.374

[140]. Tirmidhi, chap.Libas vol.p.308, From the transmissionally technical standards the cited hadith is not strong enough

silver", its weight not exceeding one *mithqal*."[141]

- Abu Hurairah رضی الله عنه reported the Holy Prophet صلی الله علیه وسلم to have said:
- إن اليهود والنصارى لايصبغون فخالفوهم، (متفق علیه)

The Jews and Christians do not dye their hair. You should oppose them (in the practice)[142]

غيّروالشيب ولاتشبّهواليهود-

- "Change the oldness and do not seek similarity with the Jews."[143]. This *hadith* too has been reported by Haz. Abu Hurairah رضی الله عنه
- Haz. Abdullah bin Abbas رضی الله عنه reported that when the Prophet صلی الله علیه وسلم fasted on the day of Ashura and asked the Muslims to do so, the Muslims told him that the day is held in high veneration among the Jews and the Christians. The Prophet's reaction was:

لإن بقيتُ إلى قابل لأصمنّ التاسع-

If I remained alive till the coming year I will fast the ninth of Muharram too. (the first month of the Islamic lunar calendar)[144]

- On the same authority the Prophet صلی الله علیه وسلم is reported to have said:

اللحد لنا والشق لغيرنا

"*Lahad* is for us, while the Shaq is for those other than us."[145]

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[141]. Reported by Tirmidhi, Abu Dawood, Nasai, Mishkat p378

[142]. Bukhari and Muslim

[143]. Tirmidhi, chap. Libas vol.1 p.305

[144]. Recorded by Muslim Mishkat, chap. Unobligatory Fasts. P.179

2. Tirmidhi , chap.al-Janaiz vol. p.202

reported that the رضى الله عنها Haz Umm Salma
fasted on Saturdays صلى الله عليه وسلم Prophet
and Sundays in particular." He said:

إنهمايوماعيد للمشركين فاحب أن أُخالفهم۔

These two days are of festivity of the pagans. I wish to oppose them."[146]

- Haz. Shaddad bin Aws رضى الله عنه reported the Holy Prophet صلى الله عليه وسلم to have said:

خالفوااليهود فإنهم لايُصلون فى نعالهم ولاخفافهم

"Oppose the Jews; they do not offer their prayers wearing their shoes and socks."[147]

reported that once the رضى الله عنه Haz. Ali
had an Arabic bow in صلى الله عليه وسلم Prophet
his hand. In the meanwhile, he saw a person holding a Persian bow in his hand. The
ordered him to throw صلى الله عليه وسلم Prophet
it away and have such a bow (i.e., the Arabian one).[148]

- Haz. Ayisha رضى الله عنها reported the Prophet صلى الله عليه وسلم as saying:

لاتقطعوااللحم بالسّكين, فإنه من صنع الأعاجم,

"Cut not the meat with knife; it is the practice of the non-Arab pagans [149]"(therefore avoidable).

(Note: the narration quoted is not strong enough from the transmissional viewpoint.)

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[3] Reported by Abu Dawood, Nasai, Fathul Bari vol.4, p.305

[4] Reported by Abu Dawood, Mishkat, chap. Sutra p,73

[1] Naratted by Ibn Majah, Mishkat p.338

[149]. Reported by Abu Dawood, Baihaqi, Mishkat chap. al Atima 366

- Haz. Abu Raihana رضى الله عنه reported that the Prophet صلى الله عليه وسلم forbade us from several things. From among them was to use silk beneath one's garment or patching up one's shoulders with the silk, because of that the non-Arabs are accustomed to do so.[150]
- Haz. Jabir رضى الله عنه reported the Holy Prophet صلى الله عليه وسلم to have said:

إن كدتم لتفعلوافعل الفارس يقومون على ملوكهم وهم قعودفلاتفعلوا۔

"You were going almost to do the practice of the Persians. They (are used to) stand for their monarchs while they remain sitting. You had better eschew this (paganistic) practice."[151]

The Prophet صلى الله عليه وسلم was deeply anxious of the Muslims' cultural amalgamation with other nations of the world. Fearing the same, he warned his *ummah* in the following strict words:

لتتبعُن سنناًمن قبلكم شبراًبشبرودراعاًبذراع حتى لودخلواجُحرضبّ تبعتوهم, قيل يارسول الله اليهودوالنصارى؟ قال فمن؟(متفق عليه)

You will certainly follow the ways of the peoples before you inch in inch and hand by hand, so much literally as if they entered the hole of the iguana you too will do so (only to imitate them")" Do you mean the Jews and the Christian by your word 'the people before you'?, the audience asked him, "Then who," replied the Messenger of Allah.[152]

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[150] Reported by Abu Dawood, Nasai, Mishkat, chap. Libas: p.346

[151]. Illaus Sunan 17/423

Beside the *hadith* and the narrations cited above, there exists a host of such ones which seek to desist the Muslims from cultural and civilizational amalgamation with the non-Muslim nations of the world. Apart from what technical weight carry the different *ahadith* and of what prohibitive degree are those commands, the spirit underlying those narrations and *ahadith* is to communicate the Muslims the extreme importance of maintaining the Islamic culture and civilization pristine and pure, unspoiled by the social and cultural impure traditions of the people not believing in Islam as the only Truth from Allah the Creator and Sustainer of the whole universe.

A close study of such *ahadith* reveals that Islam wants to make all the Muslims conscious of their noble cultural values and social traditions so much so that they must preserve the Islamic culture and maintain their full identity as Muslims everywhere they happen to live. Probably for the same reason the beginning of the Jews' and Christians' expulsion from the Arabian peninsula صلى was made during the very age of the Holy Prophet , and the Great Faruq, the Second Caliph of الله عليه وسلم the Holy Prophet, completed the act of expulsion during his Caliphat. The address which the Prophet gave before the Jews clearly signifies **صلى الله عليه وسلم** thereof: to it. To quote the actual words

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[152] Mishkat chap. Taghayyurin Nas p.458

یامعشراليهود, أسلمواتسلموا, إعلموأن الارض لله وإنى أُريدأان أجليكم من هذه الارض- (متفق عليه مشكوة 355)

"O the group of Jews, accept Islam, you will gain peace. Let it be known to you that the land belongs to Allah. I want to exile you from this land."[153]

reported **رضى الله عنه**Haz. Umar bin al-Khattab as saying:**صلى الله عليه وسلم**that he heard the Prophet

لئن عشتُ إن شاءالله لأخرجن اليهودوالنصارى من جزيرة العرب حتى لاأدع فيهاإلامسلماً-

"If I remained alive, I am determined to expel the Jews and the Christians from the Arabian Peninsula. I will allow there no body to liove in the other than Muslims:"[154]

Much as this injunction is applicable only to the territorial boundaries of the Arabian peninsula and obviously, by no way is extendable to the earth as whole, still the tendency such narrations show is wanted the **صلى الله عليه وسلم**that the Prophet of Islam Muslims live on the surface of the earth with their complete Islamic identity, unspoiled by the social and cultural and traditional effects of the people beyond the fold of Islam.

Following narration, reported by Haz. Jarir b, Abdullah, also provides a directive in this regard: sent a punitive **صلى الله عليه وسلم**The Prophet expedition to the clan of *Khit'am*. To save themselves from the words of the Muslims, and also to reveal their faith in Islam, some people of the clan fell into prostration. But the Muslims did not spare them;

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[153]. Bukhari, Muslim, Mishkat p.355

[154]. Reported by Muslim, Mishkat, p.355

they put them to sword. As the event was , he صلى الله عليه وسلم communicated to the holy Prophet ordered to pay the half of the blood-money of the slain *Khath'amis*, and issued the following warning:

أنا بري من كل مسلم مقيم بين أظهرالمشركين, قالوايارسول الله لم؟ قال لاتترای ناراهما۔

I can not afford to take the responsibility of the Muslims living amidst the pagans. Upon being asked how for the Muslims should live off the pagans he said: They should be unable to see the fires of each other's.[155]

صلى Sumrah bin Judub reported the Prophet to have said:**الله عليه وسلم**

لاتساكنواالمشركين ولاتجامعوهم, فمن ساكنهم أوجامعهم فهومثلهم,

Do not stay with the pagans and live not together with them. He who stays with them or lives together with them is indeed similar to them (and therefore shall be treated accordingly)

Irrespective of what such *ahadith* apparently mean, they actually address the Muslims living in the territory of war (*darul harb*) or those who live amidst the non-Muslim localities, the commentaries on such *ahadith* are much the same as we have just said. To furnish here some of them:

Taibi writes:

"For the Muslims it is not permissible to stay amidst the non-Muslims or live side by side with them. The Prophet صلى الله عليه وسلم has declined to accept any responsibility of such Muslims.

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[155] Abu Dawood, the book of Jihad, 355 Tirmidhi 1/289

The men of Islamic learning have explained it differently. For instance:

1. Abu Ubaid is of the view that such warning are actually related to the times of journies. That is to say, during his journey a Muslim should try to stay in Muslim habitations rather than of the non-Muslims. It is because of that the Muslims have no such agreements with non-Muslims. A Muslim amidst them may endanger himself.
2. Abu Haitham holds that this prohibition is meant to keep the Muslims away from the un-Islamic cultural and ideological effects. The word 'fire' equally is applicable to the character, morals, habits and the modes of living.
3. Tarbishti says that the reason is that it may escalate the sectional and communal tension Muslims and non-Muslims.

In short, the reasons have variously been explained. It must be noted that this prohibition is not applicable to those who are forced to live amidst the non-Muslims, such as the captives and prisoners.[156]

To Ibn Hazam, the Muslims living amidst the non-Muslims without a legitimate reason are not to be regarded as Muslims as the Holy Prophet صلى الله عليه وسلم has declined to take any responsibility of such Muslims.[157]

However, Ibn Hazam's extremism is totally unjustifiable. Abu Bakr Jassas Razi has rejected this extremism altogether and explained the *hadith* that it declares the Prophet's disclaiming from such a person and his belongings and not from his faith and belief. This is evident from the fact that the Prophet صلى الله عليه وسلم paid a half of the blood-money of those falling to the Muslims swords in such accidents and the slain persons were termed by him to be Muslims. According to the explanation furnished, this command is in fact a directive in nature which is meant to communicate the Muslims the fact that their stay amidst the non-Muslims is bound to seriously endanger their life and properties, even though their faith is intact.[158]

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[156] . Sharh al-Taibi, chap. al-Qisas sec.Qatl ahlur Riddah 7/110-11, also, Mulla Ali Al-Qari: Mirqat 4/55

[157] . Al-Muhalla: Ibn Hazam vol.11/200

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[158]. Reported version of the Ahkamul Qur'an of al Jassas Razi 2/342

Section 1

What about Muslims' Living in Mixed Habitations?

What we have cited in the previous section from the teachings and directives of the holy Prophet صلى الله عليه وسلم establishes it beyond doubt that in the Islamic scheme of things the priority has been given to the preservation and safety of the Islamic society and Islamic culture and the Islamic standards of morality against the effects of the un-Islamic culture and social traditions. So, in the non-Muslim countries if the Muslims are able to manage and develop their special habitations and colonies they must do so. For the safety of the Muslim societies and the future generations from the effects of the un-Islamic cultures and social environments this must get the first priority in their schemes and programs. In the absence of such possibilities, however, one may live anywhere one could easily manage.

As regards the Muslims, living amidst the non-Muslims with the justification to impacting and moving them with the noble Islamic character and Islamic morality, it, generally speaking is no longer plausible. The generality of the Muslims does not adhere to those high morals, distinct values and noble traditions which once used to be characteristic of the Muslims in the past and which largely contributed to the spread of Islam far and wide, moving the non-Muslims and winning their hearts to Islam. Unfortunately, the general design of life the Muslims nowadays have adopted and their moral and cultural degeneration is so disappointing, even harmful for the purpose of propagation of Islam in the non-Muslims. This disappointing state of affairs, conversely, makes it even more obligatory that the present-day Muslims should have their separate habitations so that their moral evils remain limited to themselves and letting them not to bring disgrace to Islam and the earlier exemplary people.

Living together with non-Muslims with the wisdom to affect them with the teachings, morality and cultural values of Islam would have been regarded plausible during the blessed age of the Companions of the Prophet صلى الله عليه وسلم. But in this age too special care was laid to keeping the Muslims and Muslim society away from amalgamating with non-Muslim society.

Finally, we have a firm principle of the *Shariat*: warding off the disadvantage has priority to taking on the advantage. In living together with non-Muslims the fear of the Muslims' getting affected from the un-Islamic civilizational and ideological effects far outweighs the supposed benefits of Muslims affecting the non-Muslims with the teachings of Islam. Moreover, in mixed habitations the Muslims are highly vulnerable to security risks, particularly in the events of communal rites. Furthermore, in the case of communal tensions the secrecy of the important national secrets gets seriously jeopardized.

To top it all, in the mixed habitations the most significant problem the Muslims are faced with in present time being the Muslim representation in the electoral warfare. From a mixed population it is very difficult for a Muslim to be a candidate for the election, let alone his winning. Should the Muslims have their separate habitations, the Muslim representation in the electoral process may considerably be improved.

Keeping in the view expediencies as set out above, the Muslims are better suggested to have their own separate habitations to live in provided that there exists no legal and constitutional impediments to so doing. Otherwise, the Muslims are fully permitted to live together with non-Muslims in mixed habitations. For the true observant Muslims who represent the noble teachings of Islam in the practical spheres of their lives it maybe useful, both for Islam and Muslims, to stay amidst the non-Muslims in the mixed habitations. Such virtuous people are rightly expected to represent the noble Islamic teachings in their lives and thereby to move the non-Muslims to Islam. The lives of the companions of the Holy Prophet صلى الله عليه وسلم offer great examples in this regard. In the wake of the sad demise of the Prophet of Islam a large number of the companions spread in all corners of the earth solely with the intention to propagate the religion of Islam and the *Uloom-e-Islamia*. Through their constant propagation of Islam and also through their true Islamic life they were able to bring positive changes to the non-Muslim nations with regard to Islam and its noble teachings. Then the great people of Islam, *awlia Allah and mashaikh*, followed suit and proved useful for Islam and Muslims. The suit may be followed by the people of the same high moral values even today, and is expected to prove beneficial for Islam from the angle of propagation. For the generality of the Muslims, however, it is not useful.

Section 2

Social Relationships with non-Muslims

So far as the Muslims' maintaining sociability towards non-Muslims, entering into financial and contractual ties with them or their sharing the pain and pleasure of the non-Muslims are concerned, it is a thing which Islam does not forbid the Muslims from. Islam is a religion of peace and human values occupy the most important place in its scheme of life. In matters of creed and religion compulsion has no place at all. The people who reject Islam and decline to enter its fold are not to be treated as outcast to the ideology of Islam. Nor it enrages the followers of Islam against the non-Muslims; nor encourages them to commit injustice against religious opponents. Islam, contrariwise, bestows all human rights on all human beings on an equal footing without making any distinction on the ground of religion and creed. Some people have built up a mistaken notion in this regard on the basis of some verses of the Holy Qur'an which seek obstain Muslims from entering into the ties of close friendship with non-Muslims. As a matter of fact such mistaken conclusions from such verses are totally based on a superficial study of them. Had they studied them in their proper contexts the conclusion drawn would have been entirely different. To quote a few such verses here with a view of removing the misunderstandings:

لا يتخذ المؤمنون الكافرين أولياءمن دون المؤمنين, ومن يفعل ذلك فليس من الله فى شئ إلاّ ان تتقوا منهم تقة۔

Let not the believers take for friends (or helpers) the unbelievers rather than believes: if any do that, in nothing will there be help from Allah: except by way of precaution that you may guard yourselves from them.[159]

ياأيها اللذين آمنوالاتتخذوآباءكم وإخوانكم أولياء إن استحبوالكفرعلى الإيمان, ومن يتولهم منكم فاؤلئك هم الظالمون

O those who believe! Take not for protectors your fathers and your brothers, if they love unbelief above faith. If any of you do so, they indeed are the wrong doers.[160]

In fact, such verses have a perspective of the times of tension and hostility between Muslims and non-Muslims and are indubitably related to those hostile non-Muslims who oppose the Muslims and Islam tooth and nail on all fronts. Under hostile conditions all religions and nations make it necessary for all their people to snap their all ties from their hostile nations. Some verses signify to those conditions and the enemy's intriguing plots. To cite here few of them:

ياأيهاالذين آمنوالاتتخذوااليهودوالنصاريأولياء، بعضهم أولياءبعض, ومن يتولهم منكم فإنه منهم، إن الله لايهدى القوم الظالمين فترىالذين فى قلوبهم مرض يسارعون فيهم يقولون نخشى أن تصيبنادائرة, فعسى الله أن يأتى بالفتح أوأمر من عنده فيصبحوا على ماأسروافي أنفسهم نادمين

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[159]. al-Qur'an: 3:28

[160]. al-Qur'an:9:23

O those who believe! Take not the Jews and the Christians for your friends and protectors. They are but friends and protector to each other. And if any of you turned to them (for friendship) is of them indeed. And Allah never guides the wrong-doing people. Those in whose hearts is a disease- you see them how eagerly they run about from among them saying:" we do fear lest a change of fortune bring us a disaster," So, maybe Allah give you the victory, or a decision according to His will. Then will they repent of the thoughts which they secretly harboured in their hearts.[161]

يا أيها الذين آمنوا لا تتخذوا الذين اتخذوا دينكم هزواً ولعباً من الذين أُوتوا الكتاب من قبلكم والكفار أولياء واتقوا الله إن كنتم مؤمنين

O those who believe! Take not for friends and protectors those who take your religion for a mockery and sport—whether from among those who received the scripture before you, or from among the unbelievers: and fear Allah, if you are the people of belief.[162]

The verses cited above are clear in their meaning. They explain the conditions and circumstances and the type of people the Muslims are permitted not to take them for friends, helpers, work-fellows and secretaries. Needless to say, there could be found no self-respecting people, nation, even an individual who can afford establishing the friendship ties with those who are given to mock at his religion and the system of life one adheres to.

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[161]. al-Qur'an, 5:51,52

[162]. al-Qur'an: 5:57

There are more verses than one in the Holy Qur'an which are meant to delimit the extent and nature of the relationships the Muslims may establish with the non-Muslims. The following verse is perhaps the most conspicuous in this regard.

لا ينهاكم الله عن الذين لم يُقاتلوكم فى الدين ولم يخرجوكم من ديارکم أن تبرّوهم وتُقسطوإاليهم إن الله يحب المقسطين إنما ينهاكم الله عن الذين قاتلوكم فى الذين وأخرجوكم من ديارکم وظاهروا على إخراجكم أن تولوهم، ومن يتولهم فأولئك هم الظالمون

Allah forbids you not, with regard to those who did not fight you for your faith nor drove you out of your homes from dealing kindly and justly with them. Indeed Allah loves those who are just.

Allah forbids you, with regard to those who fight you against your Faith, and drove you out of your homes, and supported other in driving you out, from that you take them into your intimacy and friendship. If any who does that (despite this warning), such, indeed, are the wrong-doers.[163]

Side by side this prohibition and warning, the Qur'an intimated the Muslims that such conditions would not last long. The things are to improve soon. The Qur'an, for example said:

عسى الله أن يجعل بينكم وبين الذين عاديتم منهم مودة, والله قدير, والله غفوررحيم-

Maybe that Allah place love (and friendship) between you and those whom you (now) hold as enemies. And Allah is Powerful. And Allah is the Forgiver, the Merciful.[164]

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[163]. al-Qur'an :60:8,9

[164]. al-Qur'an: 60:7

Any scholar of these verses of the Qur'an, not ignoring their contextual backgrounds, and historical perspective, can never build a misunderstanding about the view of Islam towards non-Muslims.

Islam is the friend of all human beings; it allows its adherents to have relationships with those outside its fold within the proper and natural limits it has set for all. But all ties of Muslims with non-Muslims and the relationships of formers with the latters are subject to the condition that they are not in contravention of the principles of Islam, and bring not disgrace to Islam or Muslims.

After this preparatory note, let's discuss some common issues which are generally raised in this connection.

Muslims Butchers, Offering Their Services on un-Islamic Festival

At their festive occasions often the non-Muslims wish to hire the services of the Muslim butchers to get their animals slaughtered. A Muslim butcher is permitted to slaughter their animals only on condition that they are slaughtered at a fair distance from their gods and goddesses. The butcher may also charge a fee for his services. This opinion is based on the following:

إذااستأجرطبلاً ليس بلهووذكر مدة, يجوز, أورجلاًيحمل الجيفة أويذبح شاة أوظبياً يجوز-

If a person hired a tambourine for a purpose other than playing for a specified period, or hired a man to carry for him a corpse, or slaughter a goat or deer, it is permissible to do so.[165]

Notwithstanding that the citation makes no mention of the religious festivals, still in the light of the condition mentioned in the text that the animal should not be slaughtered before or for the sake of their gods and goddesses, makes it seemingly tolerable. But in no case a Muslim is permitted to slaughter an animal before a god or goddess in deference to the wish of his non-Muslim fellows. So doing will undoubtedly constitute the gravest sin on his part as it falls under the generality of the following verses:

ياأيهاالذين آمنوإنماالخمروالميسروالأنصاب والأزلام رجس من عمل الشيطان فاجتنبوه لعلكم تفلحون

“O those who believe! Intoxicants and gambling, (dedications of) stones, (divination by) arrows, or an abomination, from Satan’s handiwork:

Eschew such (abomination), so that you may get success.[166]

No Muslim is ever permitted to cooperate with a non-Muslim in an act of disobedience, particularly the one performed as their religious rite.

The Qur’an has employed the term al-*ansab*, the plural form of *nusub*. Which has been explained as:

والانصاب وهى الاصنام المنصوبة للعبادة, ويذبحون عندها, والاصنام ما صوّرَأوعبدمن منع دون الله عزوجل(روح المعانى)

As regard the *ansab*, they are the gods (and goddesses) placed for the purpose of worship, nor which the polytheists slaughter the animals as offering. As to the god (or goddesses) they are covered images which are worshipped, or a creation treated as a god or goddesses.[167]

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[165] Fatawa Alamgiri, Book of Ijarah

[1] Al-Qur’an: 5:90

Sharing pain and pleasure of non-Muslim

Based on social and human relations, people often have to share the pain and pleasure of each other. Islam permits its adherents such a sharing on condition that it involve no disobedience to the *Shariat*, or violate any rule of law of Islam. The Prophetصلى الله عليه وسلم self paid visits to non-Muslim ailing persons. Haz. Anas, for instance, reported:

كان غلام يهودى يخدم رسول الله صلى الله عليه وسلم, فمرض, فأتاه النبى صلى الله عليه وسلم يعوده, فقعد عند رأسه, فقال له, أسلم, فنظر إلى أبيه وهو عنده, فقال له أسلم، فنظرإلى أبيه وهو عنده، فقال له أطع أباالقاسم, فأسلم, فخرج النبى صلى الله عليه وسلم وهويقول, الحمد لله الدى أنقذه بى من النار.-

A Jewish boy used to serve the Messenger of Allahصلى الله عليه وسلم. The boy fell ill; the Prophet visited the ailing boy and sat his headside and said to him; "Accept Islam. The boy cast a look at his father who was present there beside him. He said to his son:' Obey Abul Qasim (appellation of the Prophetصلى الله عليه وسلم)", The boy accepted Islam. The Prophetصلى الله عليه وسلم came out from there saying: Praise is to Allah Who freed the boy from the Fire through me."[168]

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[167]. Roohul ma'ani 7/15

[168]. Reported by Ahamad, Bukhari, Abu Dawood, Nail al-Awtar vol.7 p.279, Illaus Sunan vol.12 p.534

In their explanatory notes on this *hadith* some *Ulama* say that a visit to a non-Muslim ailing person may be paid if the visitor wants to call him to Islam and he is expected to positively react to the Muslim visitor's call. Ibn Battal and many others subscribe to the same view. Many others, however, are opposed to this view. Refuting it Hafiz. Munzir writes:" The *hadith* is free from such restrictions. The permissibility of visiting the non-Muslim sick is based on various expediencies and objectives (which indubitably include the social human relations").[169]

" There is no wrong in extending hospitality to one's non-Muslim neighbor, nor in paying a visit to him when he is ill"

Explaining it, Shaikh Hamwi writes:

"The words of the al-*Jamius Saghir* suggest that the mention of the neighbor is only accidental rather than being actual. For Imam Abu Hanifa is reported to have held as permissible the visiting of the Christians. Many other Hanafi jurists, likewise, permit the visiting of the *Magus* sick. Some others, however, do not support this view."[170]

Imam Abu Yusuf writes:

"I asked Imam Abu Hanifa by what type of words a Jew or a Christian is to be solaced who has recently been bereaved by the death of his son or a near relative"?

The Imam replied:

"The words should be like that: death is a reality, may Allah replace it with a better thing. We are of Allah and to Him we are to return." Bear this affliction with fortitude."

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[169]. Nailul Awtar: 7/28

[170]. al-Ashba Wal-Nazair, chap. Ahkamu-Dhimmi p.351

"We have been informed," he further says," a Christian often visited Hasn al-Basri and sat in his *majlis.* When he died, Haz. Hasn al-Basri went to his home to solace the bereaved family."[171]

Taking Part in the Funeral Rites of non-Muslims

As far as taking part in the funeral rites of the non-Muslim and determining the position of the *Shariat* on this issue is concerned, many textual expressions of the *Ulama* are suggestive of that if the deceased is a relative of the Muslim, associated with him with the nearest degree of relationship and no other non-Muslim relative is available there to take up the responsibility of completing the deceased's funeral rites, such a Muslim is permitted to take up the responsibility of his non-Muslim relative's funeral rites. This view is permitted on the case of Abu Talib's death. When Abu Talib died and his son, Ali communicated the news of his death to the Holy صلى الله عليه وسلم, the Prophet صلى الله عليه وسلمProphet directed Ali to undertake the funeral preparations of his non-Muslim deceased father. It is because of that Ali happened to be the nearest relative of Abu Talib, as he was his direct descendant. This narration has been recorded by different ways and channels in more books than one.[172]

Haz. Ka'ab b. Malik a narration With reference to has been recorded by Dar Qutni, which reads: came to the رضى الله عنه Thabit b. Qais b. Shimas and informed him of صلى الله عليه وسلمHoly Prophet the demise of his Christian mother and asked him

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[1] Abu Yusuf Al-kharaj: 257

[172]. Nasbur Rayah vol.2 p.281, Illaus Sunan 8/282 by narration of Abu Dawood, Nisai, Tabrani, Musnad Ahmad, Abu Yala, Bazzar, Baihaqi, al-Talkhisul Habir of Hafiz Ibn Hajar 1/157-58

the permission to take part in her funeral rites. Directing him, the Prophet صلى الله عليه وسلم said:

اركب دابتك وسر أمامها, فإنك إذا كنت أُمامها لم تكن معها۔

"Mount your animal, and go ahead of her funeral procession. When you are ahead of her, you are not with her."(This way it will seem that you are with her but actually you will not.)

Going by this *hadith*, Imam Ahmad's viewpoint is that a Muslim is not permitted to take part in the funeral rites of his non-Muslim relatives. However, to the view of Allama Zilai this narration is technically weak, hence unfit to serve as (a satisfying argument).[173]

To the majority of the Ulama, including the Hanafi jurisprudents, the narration appertaining to the funeral rites of Abu Talib, which has just been cited in the foregoing lines, is a decisive item to serve as the basis for the permissibility of taking part in one's no-Muslim relative's funeral rites. According to this narration the Hanafi standpoint, vis-à-vis this problem, is that a Muslim is permitted to take part in the funeral rites and ceremonies of his non-Muslim relatives associated with him by uterine or other types of relationships. He, however, is better suggested to avoid it if there exist other non-Muslims to undrtake this task. To cite a reference here:

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[173]. Nasbur Rayah 2/281

ويغسل المسلم ويكفن ويدفن قريبه الكافرالاصلى عندالاحتياج, فلوليه قريب, فأولى تركه لهم-[174]

This has to be borne in mind that this juristic view was formed in the perspective of the *Darul Islam*. For the countries where Muslims live amidst the non-Muslims as minority it was not easy for our jurists to build such a view which could feasibly be followed only in the Muslim majority countries.

In case a non-Muslim passed away and their exists no body from the deceased's Muslim or non-Muslim relatives to undertake the disposal of his/her corps, the general Muslim shall be required to undertake his/her funeral preparations and bury the corpse. The source of this inference is the practice of the Prophet صلى الله عليه وسلم on the occasion of the battle of *Badr*. As it is known to all, the pagan *Quraish* had suffered a crushing defeat at the hands of the Prophet and Muslims in the battleground of *Badr*. Seventy unbelievers suffered death in the battlefield, while the rest had to flee from the battle-field unnervedly, leaving behind their dead unburied.[175]

From among the prominent men of Islamic learning of our age Shaikh Abdul Aziz bin Baz also subscribes to the same view.[176]

As regard the non-Muslims with whom the Muslims have no blood or uterine relationship except the social and human ties, for the

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[1] Durr Mukhtar on the footnotes of Raddul Muhtar, chap. Salatul-Janazah, vol.3 p.134 al-Bahr-al Raiq 2/325, Alamgiri, chap. al-Janaiz vol. p.160

[175]. Shibli Nomani: Seerat al-Nabi vol.1 p.319

[176]. Fatawa Islamia 2/20 Ed. Beirut

permissibility of taking part in such people's funeral preparations and burial the Prophet's practice vis-à-vis the corpse of the son of Abdullah bin Ubai might be taken as a source. “Jabir bin Abdullah رضی الله عنه reported that, at the request of Abdullah bin Ubai, the Prophet صلی الله علیه وسلم went to the grave of Abdullah bib Ubai. His corpse had been placed in the grave. The Prophet صلی الله علیه وسلم ordered to take out his corpse from the grave, placed his head at his blessed knee, salivated in his shroud and clothed him in his blessed shirt. Then he placed the corpse in the grave and then he was buried.”[177]

Why did the Prophet صلی الله علیه وسلم meted out so beautiful a treatment to a hard-liner non-Muslim who harbored the extreme enmity towards the Prophet صلی الله علیه وسلم and Islam and led the campaign of Hypocracy against Islam till the last moment of his life? The reporter of this narration held that way the Prophet صلی الله علیه وسلم requited his (apparent) kindness he had done towards Haz. Abbas, the Prophet's uncle, by clothing him in his shirt in the aftermath of the event of Badr.[178]

Some other narrations suggest that the Prophet صلی الله علیه وسلم accorded such an extraordinary treatment to his corpse having in mind a great religious expediency. On being asked by Umar why did he do so he replied: “I know my garment or my saliva is of no avail for him, still I did so expecting my behavior would move his clan to Islam.”

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[177] . Bukhari, Muslim, Mishkat, Book of al-Janaiz p.144

1 Ibid: p.144

The Prophet's expectations soon came true. According to the narrations the Prophet's good behavior to Abdullah bin Ubai impressed his people very much and hundreds of them entered the fold of Islam.[179]

But, in spite of all such expediencies, Allah depreciated the Prophet's behavior towards Abdullah bin Ubai and sent down the following verse commanding him never to pray for any of the *munafiq, mushrik, kafir* or stand by their graves.

ولا تصلّ على أحد منهم مات أبداً ولاتقم على قبره

Never offer the funeral prayer for any one of them, nor stand by his grave.1[180]

The author of *Jalalain* (a shorter, comprehensive explanation of the Qur'an) explain it as:

ولاتقم على قبره لدفن أوزيارة

"Stand not by their graves for burial or visiting."[181]

Allama Jassas Razi has explained the verse as

قال علماؤنا" هدانص فى الامتناع من الصلوة على الكفار"-

Our *Ulama* said that this verse clearly forbids the Muslims to offer the *namaze-Janazah* (funeral prayer) on the disbelievers."[182]

Thus, it has become an established rule that, in normal conditions, the Muslims are not allowed to take part in the funeral rites, funeral processions or the burial ceremonies of the non-Muslims. The degree of prohibition will turn even extreme when

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[2.] Fakhru Din Razi, Tafseer Kabir 8/121 Ibn al-Arabi: Ahkamul Qur'an 2/992 Tabri: Jamiul Bayan 1/142 tafseer Mazhari 4/277

[1].The Qura'an:al-Tauba

[181] .Jalalain 1/164

[182]. Al-Jami li-Ahkamil Qur'an 8/140

the rites and traditions involved are in total opposition to the general norms of the Islamic sacred law.

Exchange of Gifts between Muslims and non-Muslims

In general conditions there is no wrong to exchange the gifts with the non-Muslims. In special conditions, however, the better course is to avoid it as much as possible. So far as the practice of the in this connection is صلى الله عليه وسلمProphet concerned, sometimes he accepted the presents of non-Muslims and himself too offered to some non-Muslims in kind. Other times, however, he rejected صلىthe gifts from some non-Muslims. The Prophet sent the *Ajwa* dates to Abu Sufiyan, in the الله عليه وسلم fifth year of *hijrah*, through the emissary of Haz. Amr bin Ummayah Zamri alongwith a letter to him asking him to send a gift to him as well. In response, Abu Sufiyan, then a headstrong disbeliever, followed the suit.[183]

Muqawaqis the Copt sent two beautiful girls as present صلى الله عليه وسلمand a mule to the Prophet alongwith a letter, in which he made the mention of the present.[184]

The *Khosero's* governor of Bahrain is reported :"Were صلى الله عليه وسلمto have requested the Prophet you to order me to offer a present to you, I will happily comply". The Prophet's reply was:

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1. Cf. Abu Ubaid, Kitabul Amwal, section 631, Sharh al-Siyaril Kabir chap. 13 vol. p.70, Surakhsi, al-Mabsut vol.10 p.92, al-Wathaiq p,76

[184]. Cf. Futuh Misr of Ibn Abdul Hakam p.48, Qastalani 2/292,93, Qulqashandi, 6/462, al-Zilai vol. p.2, al-Wafa of Ibn al-Juzi 717, al-Zurqani 2/349 al-Wathaiq al-Siyasiyah 136

أمابعد, فإني لا أستهدی أحداً, فإن تهدی إلیّ أقبل هدیتك۔

"Never I ask a person to offer any gift to me. Still, I may accept your gift if you ever offer me one."[185]

, likewise, rejected the صلی اللہ علیه وسلمThe Prophet gift of some people as well. For example, Abu Bra bin Malik bin Jafar sent a horse as gift to him. The sent his horse back to him **صلی اللہ علیه وسلم**Prophet saying:

إنی نُهیت عن زبد المشرکین

"I have been commanded not to accept gifts from the polytheists."[186]

Sometimes he did not reject some gifts, yet he himself did not benefit from them and got it distributed among others. *Hiraql*, for instance, sent a number of dinars to (probably as a sign of his upward submission when he received the epistle of) the صلی اللہ علیه وسلمthe call to Islam from the Prophet Prophet when he was at *Tabuk*) The Roman emperor also had made a pretension to be a Muslim. The held him a liar and **صلی اللہ علیه وسلم**Prophet distributed the dinars among the people.[187]

Between such contradicting narrations the *Ulama* have tried to bring harmony by two ways.

(a) The presenter about whom the Prophet **صلی اللہ علیه وسلم** knew that he had no good estimation of the Prophet's dawah and military

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[1] Tabqat Ibn Sa'ad vol.1 p.27, Mujamul Buldan (Yaqut, al-Himvi,(under the explanation of Bahrain) al-Wathaiqus Siyarah p.153-154

[186]. Abu Ubaid: Kitabul Amwal p.630 al-Wathaiq al-Siyarh p.314

[187]. Ibn Asakir: Tareekhe Dimashq p.420, Ahmad ibn Hambal: Masnad 3/421,-42, also 4/74-75, Abu Ubaid, Kitabul Amwal 624-25 al-Wathaiqus Siyasiyah p. 114-15

endeavors except that all were meant for the sake of the worldly gains, the Prophet صلى الله عليه وسلم rejected the gifts of such persons. He accepted the gifts from only those people he knew them to be sincere to Islam and him having a real estimation of his preaching and military endeavors.

(b) The second way is that the Prophet صلى الله عليه وسلم rejected the gifts of those non-Muslims by accepting of whose presents he feared might weaken his boldness and firmness in matters of religion and the collective benefits of the *Ummah*. He accepted, on the other hand, the presents about which he had not such a fear.[188]

Keeping in mind such *hadiths,* the *Fuqaha* have arrived at the following conclusion:

ولايقبل هدية الكفارإن كان يقل صلابته معهم بقبولها۔

"The presents from the disbelievers should not be accepted if the acceptance is feared to weaken one's firmness towards them."[189]

The reverse inference of the above ruling, logically, will be that the gifts from non-Muslims may be accepted with a view to please them and thus taking them nearer to Islam. In the absence of such a high expediency the Muslims, particularly their men at the helm, had better avoid the acceptance of the non-Muslims' presents.[190]

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[1] al-Muhit 6/232, Imdadul Fatawa vol.3 p.481-82

[2] al-Hindiyah, the Book of Karahiya 6/359

[1] Sharh al-Siyaril Kabir vol. 3 p.72, Ibn Hajar, Fathul-Bari 5/171, Illaus Sunan 6/152

The above being the general ruling of the *Shariat*. That is, the presents of the unbelievers having no shade of their religions may be accepted according to the detail furnished above.

In the same way, the same rule shall be applicable to Muslims' offering hospitality to non-Muslims or accepting their hospitality. If it deems fit to a Muslim to accept the feast and hospitality of a non-Muslim, without fearing any shade of weakening in his firmness against the disbelief, and making it not a habit, he may accept as well as offer the hospitality to non-Muslims. At *Khaibar* the Prophet صلی اللہ علیہ وسلم accepted the hospitality of a Jewish woman and ate the meat she had sent to him without asking of what nature the slaughtered animal was.[191]

More a citation:

إن أكل مع الكفارأوابتلى به المسلم لابأس لمرة أومرتين, وأما الدوام عليه فيُكره۔

"A Muslim may eat and share meals with non-Muslims once or twice, or when he is faced with such a situation. But it is disapproved of to make it a habit.[192]

On similar lines, a non-Muslim may also be offered hospitality only occasionally. To cite the same authority again:

لابأس بأن يضيف كافراًلقرابة أولحاجة (كذافى القرتاشى)

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[191]. Jassas: Ahkamul Qur'an vol.2 p.394

[192]. Alamgiri: Alkarahiyah 5/359

A disbeliever (*kafir*) may also be offered hospitality if he/she happens to be a relative or if he is in need.[193]

Gifts from non—Muslims Having a Paganistic Background

As regard the gifts from non-Muslims which are of a religious background such as of *Diwali, Holi*, Christmas, etc, and offered to Muslims on occasions when they celebrate their paganistic religious festives, two types of tendencies have been reported from the *Sahabas* and the pious predecessors. They are as under:

- About Haz. Ali bin Abu Talib it is reported that once a non-Muslim presented to him a gift at the occasion of the *Nairoz* (a festival of the Fire-worshipper) and he accepted it.[194]

: رضی اللہ عنہا"A woman said to Ayisha Siddiqa "We have friendly relationship with the *Magus* (Fire-worshippers), and at occasions of their religious festives they, often, offer us presents. What do you say about such presents and gifts"? Haz. Ayisha's reply was the following: From their (eatable) gifts you may accept the fruits and the likes, but not the meat of the animals slaughtered on that occasions.[195]

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[193]. Op. cit. p347

3.Ibn Taimiyah: Iqtizaus Siratil Mustaqim p.120

1 Op. Cit.

From Abu Barzah Aslami it is reported that he had friendly relations with the *Magus* for they lived in his neighborhood. At the occasions of their festives, like *Maharjan* and *Nairoz* they would offer him presents. He permitted the people of his household to eat the fruits and the likes, and return back to them their other items they had gifted.

Having cited all such narrations, Ibn Taimiyah has observed,

"These *athar* establish that the gifts from non-Muslims not belonging to the Land of War (terminologically called (*darul harb*) may be accepted even if they are offered on the occasion of their religious festivals. The acceptance of the presents from non-Muslims involve an aspect of helping them.[196]

From among the prominent men of Islamic learning of the near past Ml. Md. Ashraf Ali Thanawi also subscribes to the same view. To give the gist of his argument:

"Presents and gifts offered by non-Muslims on their religious festive occasions may be accepted by Muslims. Apparently, there are two aspects which may render their such gifts impermissible to accept. First, if these presents are offered to mark the respect of their festives rather than the person who is being offered those gifts. The second aspect is that those gifts may contain images. As far as the first aspect— the reverence of their festives such a *Diwali* is concerned, it too has been declared by the *Fuqaha* to be extremely forbidden. As regards the latter aspect, that is the images, if they are meant to be preserved, it will render such gifts totally impermissible for Muslims as the concept of images is totally opposed to the nature and spirit of the Islamic law. The problem may be solved as, it is commonly known that such gifts are meant to be a mark of respect of the person presented and not of the festivity itself. As to the second one, it may be solved as: in presents it is the material which is primarily intended and not the (human and animal) images which the material of the present shows. The Muslim accepting such presents, nevertheless, shall be required to destroy the images without delay."[197]

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[196]. Op. Cit. p.120

- The other opinion tends to be opposite of the one described above. Maulana Abdul Hai Firangi Mahalli has cited from Zakhiratul Fatawa which suggests the impermissibility of the presents from non-Muslims they offer to Muslims on their religious and festive occasions. To cite the actual words of the Zakhiratul Fatawa:

لا ينبغى للمؤمن أن يقبل هدية كافرفى يوم عيد, ولوقَبِلَ لايُعطيهم ولايُرسِلُ إليهم۔

"It is advisable for a Muslim that he should not accept the presents from non-Muslims on their festive occasions; if

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[1] Imdadul Fatawa 3/482

accepted, he should not give or send them back any thing in exchange."[198]

The phrase 'festive occasions' may be applied to both the Muslim and non-Muslim festive occasions.

The citation above is not so strict in prohibition. Still, the contrasting tendencies might be harmonized with each other by giving them the following explanation:

'On the non-Muslim festive occasions the non-Muslim generally offer two types of presents and gifts to their non-Muslim and Muslim friends. Such presents as involve paganistic associations with their false objects of worship and which the Hindus term as *Parshad*.etc. must categorically be impermissible for Muslims to accept for they indubitably fall under the Qur'anic clause *ma uhilla bihi lighairillah*. The citation above is seemingly pertinent to this type of presents. Some gifts, on the other hand, are those which have no such paganistic association, and are particularly made for children or for general distribution. Such ones may be accepted without compunction. Ibn Taimiyah and Ml. Thanwi's opinion perhaps is about the gifts of the latter type.

The detail furnished above establishes it beyond doubt that the gifts and presents from non-Muslims might be accepted if the circumstances so permit, and the gifts are without a religious background. If the gifter, on the other hand, is not a good person and his intention is not satisfactory, or the circumstances are not so good to permit it, the better course would be not to accept the gifts. If the presents have a religious aspect, they must be rejected, while the gifts not offered to their objects of worship, may be accepted.

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[198]. Fatawa Abdul Hai, vol.403

Giving Presents to non-Muslims on Occasions of their Festivities

The citation put above from the Zakhiratul Fatawa suggests the impermissibility of giving gifts to the non-Muslims on occasions of their religious festivities, neither by way of exchange nor taking lead in this connection. Ibn Taimiyah writes:

"Ibn al Qasim is of the view that it is reprehensible for a Muslim to send a present to a Christian on the occasion of his religious festivities, even if as an exchange. Without exchange it will be regarded even more reprehensible. For it has a shade of respect and reverence towards their Godless religious festivities and the expediencies of unbelief. For the same reason the Muslims are not allowed to sell any thing having a religious shade on the occasion of their festivities such as the meat curry or lending one's animal of riding to non-Muslims. The men of the helm of the *Ummah* had better ban the Muslims' such cooperation and sharing with the non-Muslims' their festive occasions, and as far as I know, there is no man of Islamic learning who holds otherwise in connection with this issues."[199]

Sharing with non-Muslims Their Religious Festive Occasions

From the detail furnished above it may safely be inferred that the Muslims are not permitted to take part in non-Muslims' religious festivities and other paganistic functions, nor to visit their places of worship, neither by way of entertainment nor to represent the Muslim community there. Only with the intention of business and trade a Muslim may visit such places, provided that no avt of disobedience to Allah and His prophet is being committed there. With reference to Jami Khallal, Hafiz Ibn Taimiyah writes:

"Imam Ahmad was asked to explain the position of the *Shariah* on Muslims' taking part in religious ceremonies of the disbelievers, commonly celebrated in Syria, for the purpose of business and purchase. The Imam replied the following:

"Muslims may go there solely for the purpose of trade and purchase without entering their places of worship. With reference to Haz. , it is also stated that رضی اللہ عنہUmar he(Umar) disliked and would stop the Muslims to visit the places of worship of non-Muslims, especially on their religious functions and paganistic festivities."[200]

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[199]. Iqtizaus Siratil Mustaqim p.111

[200]. Op. cit.p.130, Illaus Sunan vol.12 p.706

Ibnul Qasim was asked about the position of the *Shariat* on riding the Muslims on the boats and conveyances going to the gatherings of non-Muslims' religious festivals. "It is undesirable," he replied," For the non-Muslims' company is feared to invite the wrath from Allah'.[201]

Explaining the Qur'anic clause *la yashhaduuna zura*, Haz. Amr bin Murrah says:

لايمالئون أهل الشرك على شركهم ولا يخالطونهم,

(The Muslims) pay not attention to the polytheistic and paganistic acts of the polytheists nor get mixed with them."[202]

Ata bin Yasar reported Haz. Umar al-Faruq رضى الله عنه to have said:

إياكم وأن تدخلواعلى المشركين يوم عيدهم فى كنائسهم-

Beware of visiting the polytheists inside their temples on the occasions of their religious festivals.[203]

A similar narration has also been reported by Sufyan Thori, which appears in al-*Baihaqi*.[204]

Haz. Abdullah bin Amr is reported to have said:

من بنى ببلادالأعاجم وصنع بنيروزهم ومهرجانهم وتشبه بهم حتى يموت وهوكذلك حُشرمعهم يوم القيمة-

'If a person lived in the midst of non-Muslims, sought similarity with them in matters of their religions and remained in the same condition till his death, he shall be raised with them on the Day of Judgment.'[205]

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[201]. Loc. Cit

1. Op. Cit.

2. Op. Cit. p.86

3. Illaus Sunan vol.12 p.702-3

1. Iqtizaus Siratil Mustaqim p.95

These *athar* and the sayings of the prominent men of Islamic learning are enough to prove that the Muslims are not allowed to take part in non-Muslims' religious festivities as a gesture of courtesy towards them. To support this opinion some *hadiths* may also be used. Such *hadiths* intend to dissuade the Muslims from taking part in the gatherings of disobedience, declaring it a sort of grave disobedience to Allah and His Prophet صلی اللہ علیہ وسلم. To cite here two of them:

(1) Having been invited to a *Walima* feast, Abdullah bin Masud رضی اللہ عنہ went to attend it. As he got there and saw the acts of disobedience and absurdities being, committed he instantly turned back. On being asked the reason, he communicated the following saying of the Holy Prophet صلی اللہ علیہ وسلم to them:

من کثرسوادقوم فھومنھم, ومن رضی عمل قوم کان شریکاً من عمل بہ۔

"He who increased the number of a people shall be counted from among them. And if a person pleased an act of a people he shall be regarded the partner of them in that act.[206]

Abdullah Ibn Mubarak رحمہ اللہ has mentioned a similar happening of Haz. Abu Zar Ghifari (may

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[206]. Reported by Abu Yala (in his Musnad), Nasbur Rayah vol. 4 p.346, Kanzul Ummal vol. 9 p.22 No24735, Jamiul-Masanid wal Sunan vol. 27p.308 No.589

Allah be pleased with him) in his book al-*Zuhd wal-Riqaq* almost in the same words.[207]

(2) Haz. Ayisha (may Allah be pleased with her) reported the Holy Prophet صلى الله عليه وسلم to have said the following.

يغزواجيش الكعبة, فإداكانوابييداءمن الأرض يُخسَفُ بأوّلهم واخرهم, قالت, قلتُ يارسول الله كيف يُخسَفُ باولهم وأخرهم وفيهم اسواقهم ومن ليس منهم,؟ قال يُخسَفُ بأولهم وأخرهم ثم يُبعثون على نياتهم-

An armed force shall invade the sacred House of Allah. On the reaching at Baida (name of a place) whole the army shall be sunk into the earth." Will the entire army face the same fate while there will be the markets and vendors and those who would have accompanied the army without an intention to invade the *Ka'aba*", asked Haz. Ayisha. "All shall be sunk into the earth, then on the Day of Judgment they will be raised according to their intents they had", replied the Holy Prophet صلى الله عليه وسلم.[208]

These narrations establish it well that taking part in the gatherings assembled for committing sins and disbelief amounts to inviting the wrath from Allah. This is a general rule which doubtlessly includes the religious functions and festivities of the disbelieving people. The same rule is applicable to installing the shops to sell the eatables and drinks there. Without a pressing need a Muslim is better advised to avoid going there and visiting those shops and markets. Ml. Ashraf Ali Thanawi is of the same view. To him the men of Islamic learning occupying credible position amongst Muslims are particularly advised to strictly and consciously keep themselves away from such places.[209]

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[207]. Nasbur Rayah vol.4 p.346

2. Bukhari with Fathul Bari: Buyu, 6/150, Tirmidhi 2/44, Fathul Mulham 6/362

In the same manner, it is also impermissible for the Muslims to extend felicitations and congratulations at non-Muslims' religious and social events and festivities. For it has an aspect of respect and reverence towards their festivities. On such occasions a Muslim may expediently say some words about those festivities. This way he may evade the showing of respect towards their festivities and win their hearts.

Non-Muslims Participating in the Islamic Festivities

So far as the non-Muslims' taking part in Islamic festive occasions like Ied, *Iftar*, *Ramdhan,* etc, is concerned, the *Fuqaha* have not discussed this point at length. But they permit the Muslims to give the flesh of their sacrificed animals to non-Muslims.[210]

Imam Ghazali reported that Hasan al-Basri had no objection to giving the sacrificed animal's meat to one's neighbor Jews or Christians.[211]

Going by the above viewpoint, the Muslims may be allowed to make separate arrangement of food and

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[1] Imdadul Fatawa vol.2 p.140-141

[210]. Shami, etc.

[211]. Ihyau Uloomid Din; Huququl Jawar 2/233

drinks for non-Muslims, advisably away from Muslims.

In spite of that it may sometimes be expedient for Muslims to get mixed with the non-Muslims on occasions of their religious and social events or inviting them to share the happy moments with Muslims at Islamic festive occasions, We the Muslims must, however, arranged and not ignore the fact that the times of *Iftar*, etc. are highly blessed from the *Shariat* viewpoint and after all, they themselves are the acts of worship, attracting the blessings from Allah. At such blessed junctures the curse of disbelief is very much feared to attract the wrath from Allah. From the same we gather that even if is it permissible to take part in the *Iftar* parties hosted by the non-Muslims, yet the objective of *Iftar* is lost. Hence the participation reprehensible, and to make it habitual will be reprehensible with a degree greater still.

Section 3

Designing the non-Muslim Places of Worship and Offering Constructional Assistance

In view of the mutual ties between the Muslim and non-Muslim communities living together in a country sometimes the non-Muslims ask the Muslim engineers to prepare designs for their temples and other places of worship, or, likewise, wish to hire the labour services of Muslim wage earners to seek constructional assistance from them. In response to such wishes the Muslims may do so according to the view of Imam Abu Hanifa رحمه الله. To quote a Hanafi authority here:

ولواستأجرالذمى مسلماً ليبنى له بيعة أوكنيسة جازويطيبُ له الأجر(كذا فى المحيط)

"If a *zimmi* asks a Muslim to construct a church or similar places of worship in exchange of wages the Muslim may do so and wages, too, would be lawful for him.[212]

Accepting from and Giving Financial Contribution to non-Muslims

For Muslims it is lawful to accept financial assistance from non-Muslims for the construction of *Masjids* and *Madarsas,* provided that it is not opposed to the immediate or long-term expediencies of Muslims and their religious interests and they fear not a boastful follow up from non-Muslims of the contribution they are making, and

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[1] Alamgiri: chap.al-Ijarah

that they do not press the Muslims to make such contributions to their religious purposes.[213]

To quote more an authority to support it:

,,,,,وأن يكون قربةً فى ذاته(الخ) قال الشامى فتعين أن
هداشرط فى وقف المسلم فقط, بخلاف الذمى, لمافى البحروغيره إن
شرط وقف الذمى أن يكون قربة عندناوعندهم، كالوقف على
الفقراءوعلى مسجدالقدس-

,,,,,,The act of charity (done by non-Muslims) one in itself. This condition is must be a devotional essential for an act of endowment done by a Muslim. For the endowment done by a *Zimmi* the requirement is that it must be a devotional act according to both Muslim and non-Muslim belief such as the endowment is made for the welfare of the poor, the *Baitul Maqdis,* etc.[214]

Whether the consideration shall have to be paid to the religion of the endower or to his/her intent the generally agreed upon opinion is that it is the religion which matters. But according to Maulana Thanwi it is the opinion and intent of the endower which decidedly matters in the acts of empowerment.[215]

For the construction of non-Muslim places of worship and temples the Muslims had better not to offer any financial assistance. If the Muslims fear the non-Muslims may ask them to follow suit, for the Muslims it shall become impermissible to accept financial assistance from non-Muslims, even if they make such offers considering them the act of devotion in line with their ideologies.

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[213]. Imdadul Fatawa vol.2 pp.664 ff, vol.3 p.129-30

[214]. Shami vol.3 p.360

[215]. Imadadul Fatawa vol.2 p.668

Chapter Seven

Giving Salute to National Flag

In non-Muslim secular countries the Muslim minority groups often have to face some problems which, to other nations than Muslims, are only political and national. To the Muslims, however, they are not without religious implications. For example:

(a) In most countries of the world it has now become quite customary to salute to their national flags. This is an essential mode of showing extreme respect towards the national flag. To remain sitting at the moment when the salute is being given to the national flag is reckoned to be a grave disrespect towards the flag and constitutes a national offence. About the position of the *Shariat* on this grave issue the *Ulama* of the *Deoband* school have generally gone two ways.

- The late Mufti Kifaytullah, the Grand Mufti of British India, held this activity as permissible. To quote the relevant words from his *fatwa*:

"The Muslim League salutes the national flag and in Islamic countries, too, this is a common practice. This in fact is a military act and subject to reform. It will therefore be improper to condemn this act as polytheistic."[216]

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[216]. Periodical Naqib vol.7,Patna, July 1939

Some contemporary men of Islamic learning also hold the same view.[217]

Some other men of Islamic learning are of the view that the salute to the national flag may be given provided the saluting person remain standing at the moment without folding one's hands or bowing the one's head.[218]

However, in spite of the fact that the *Ulama* subscribing to this opinion are great and venerable, the viewpoint lacks a well-reasoned argument. Being a practice of the Muslim League or of any other political party, or a practice of the Muslim countries is never a sufficient reason to serve as base argument for an act holding importance of this size. Terming it a military action, too, can not exclude it from being subject to the *Sharia* rule. What is the evil it contains which has to be reformed, and what would be the modus operandi of reform and freeing it from the evil associated with it? And if reformed, what will be the way of giving salute to the national flag acceptable to the Islamic ideology? Such are the questions which can not be ignored and we find no solution to them in the opinion we are discussing.

- The second viewpoint is of Ml. Ashraf Ali Thanwi (d.1942). To treat the different aspects of this issue in detail he wrote a separate treatise, included in the collection of his *fatwas' Imdadul Fatawa,* under the title *Ujala Kashfil Hijab* on *Mas'ala titazimi Badil Ansab* (a treatise meant to deal with the problem of paying respect to some objects of worship). In this treatise the *Maulan* has declared this act as totally impermissible and un-Islamic, and offered strong arguments to support his viewpoint. When compared, the latter viewpoint seems far too stronger than the former one. The arguments follow:

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[217]. Cf. Fatawa Rahimiyah

[218]. Ml Burhanud Din Sambhali: Maujuda Zamane ke Masail ka Shari Hal.135

- The national flag is reckoned to be a national emblem, the sign of the national prestige. Perhaps that is why each sovereignty has its own distinctly separate flag which occupies almost the same status as do their objects of worship. Around it the people sing the national songs, and pay homage to it. Taking it as a sign of national prestige, the sentiments of worship and devotion are shown to it. At the time of giving salute to the national flag any body's remaining sitting is regarded a nationally intolerable sin. For giving the salute to the national flag the day and time are meticulously predetermined. Taking deeply into account all the details which the people of the country are consciously asked to observe in connection with giving salute to the national flag, one finds oneself contrained to note that the national flag has now become a political idol, perhaps the most significant one. Using the Qur'anic terminology, the national flag has occupied the position of the *nusub*. The words *nusub* and *ansab* have been explained by the _Mufassirin_ (the exegets of the Qur’an), in the following words:

الأنصاب, وهى الأصنام المنصوبة للعبادة, ويذبحون عندها, والأصنام, ماصوّروعُبدَ من دون اللهٰ-

“*Ansab* are the idols placed to be worshipped and adored. The polytheists slaughter the sacrificial animals near those idols. As regards the term _Asnam_, it covers every thing shapped as image to be worshipped beside Allah.”[219]

In India, for instance, the _wande mataram_ is recited standing round the national flag. And it is a common knowledge that the poem _wande mataram_ is nothing but a versed devotional salute, and is meant to offer the devotional tribute towards the national flag reckoning it an epitome of the greatness of the national land. This way the national flag indubitably falls under the definition of *ansab*, of which the Qur’an speaks as follow:

ياأيهاالذين آمنواإنماالخمروالميسروالأنصاب, والأزلام رجس من عمل الشيطان- فاجتنبوه لعلكم تفلحون-

“O those who believe! Intoxicants and gambling, stones (regarded and treated as the object of worship) and divination from arrows for drawing lots are all filth and acts of Satan so, refrain from such acts so that you may succeed.”[220]

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[219]. Alusi: Ruhul Ma’ani 7/15

1. al-Qur’an 5:90

(3) The second point of immense import is that the national flags of the secular countries, quite obviously, are un-Islamic, and so are salutes given. The salute is nothing but an expression of homage and respect to the flag. The principle stated by the *Fuqaha* in connection with saluting the non-Muslims may be helpful in determining the position of the *Shariah* vis-à-vis offering the salutes to the national flag. Saluting a non-Muslim is never meant to accord him the respect and honor; still some *Fuqaha* are extremely opposed to it, and term this as an act of disbelief. A non-Muslim may only be saluted if there is an actual need for so doing, and the wording of the salutation should not be a direct address to him. The general form of address is preferable (such as *salamun ala man ittaba'al huda* (peace be upon whom who followed the Guidance).[221]

Based on this inference, giving devotional respects to the national flag should be impermissible. Praying for its well-being ,too, shall not be permissible, as being the ruling of the *Shariah* regarding the prayer of long life and peace for a *dhimmi*.[222]

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[221]. Cf. Raddul Muhtar ala al-Durril-Muhtar, al-Hazar wal-Ibahah vol.9 p.590, al-Bahrul Raiq, al-Karahiyah, 8/374, Bazzazia on al-Hindiah Karahiyah 96/355, Fatawa Hindiyah, Karahiyah 5/325

[222]. Bazzaziah al-Karahiyah vol.6 p.355

As to those secular sovereignties which have adopted a flag with a multi-color scheme of which one color has been included to represent the Muslims, as being the case with India, and at the time of giving salute to the flag one intends the same particular part of the national flag, this too will remain as much objectionable to the shariat as the whole of it. Granting that the flag contains one color to be a' representative of Muslims, it too as Ml. Thanwi has pointed, will turn un-Islamic, due to being mixed with those ones which are meant to represent the disbelief, as being the case of the animal on which the names of the gods along with the Name of Allah have been invoked. Having done so, whole of the slaughtered animal shall turn unlawful to eat, as is mentioned in the clause *wama uhilla bihi lighairillah*, which occurs in more places than one in the Holy Qur'an. To be precise, if the name of a god or goddess has been invoked on the animal while slaughtering it, even if the name of Allah too is pronounced concurrently, the whole of the animal will turn unlawful. As a matter of rule, there is little difference between such an animal and the one slaughtered purely with the invocation of the name of the gods.[223]

(3) A yet anothers equally important point is: what is the position of standing round the national flag and bowing the head and folding the hands before it? Standing as a mark of respect towards a person is an important theme of the juristic literature, and

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[1]. Cf. Shami, al-Zabaih vol.9 435 pp

we come across a very detailed discussion of it. Avoiding the details not very much pertinent to our point, we would like to put here only the gist thereof. Standing for a person is of different types:

- Standing straight at one's place at the arrival of a person to accord him an enthusiastic, respectful welcome, without moving forward to him even a single step.
- Standing at the arrival of a person and moving forward to accord him a respectful warm welcome. If these two sorts of standing are not meant to mark the devotional respect towards the comer, they are regarded as lawful.
- To remain standing in the back side of a sitting person. This sort of standing will be lawful if is meant for the protection of the sitting person, but is unlawful if such a standing is intended to mark respect and reverence for him, as is a usual practice outside the Arabs(of the past).
- To remain devotionally standing before a sitting person, as was common amongst the non-Arabs. This is unlawful altogether.[224]

This classification of standing is from the viewpoint of its position and posture. Following is the classification of standing from the viewpoint of the ruling of the *Shariat* about it.

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[224]. Illaus Sunan vol. 17, pp422 ff

- **Unlawful Standing**: Maintaining the standing position as a mark of veneration and respect for a person who desires to see the people standing round him.
- **Undesirable Standing**: Standing for a person who is conceitful and arrogant but is feared to become a source of problems in future for others should they refuse to stand for him.
- **Lawful Standing**: Standing for a person thus to accord a respectful and heart-felt welcome to him.
- **Desirable Standing**; Standing as a mark of happiness at the arrival of a person and moving forward to accord a welcome to him; or standing as a mark of appreciation for an admirable act or a favor done by the person; or to offer condolence to a bereaved or afflicted.[225]

Whole the detail furnished above and the classification of the standing is premised on different *hadiths* and narrations from the Holy . According to the former صلى الله عليه وسلمProphet classification the standing for giving salutes to the national flag is indubitably a devotional one, or, at least, may be included in the standing in the backside of the person as a mark of respect to him, hence reprehensibly impermissible.

According to the second classification this type of standing will fall under the unlawful standing or, at least, the undesirable standing. Even the unlawful

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[1] Fathul Bari vol.11 p.43

standing is permissible for such a person as commands respect and veneration because of his being from among the people of exceptionally admirable qualities. To quote an authority:

يجوزبل يندب القيام تعظيماً للقادم.....أى إن كان ممن يستحق التعظيم۔

"Standing for the arriving person to accord him a respectful welcome is permissible even desirable, provided that he deserves reverence and respect.[226]

Since the national flag deserves no respect at all it will obviously fall under the definition of *ansab,* an object alien to the Islamic ideology. Hence giving salutes to the national flag is impermissible. The detail put above is about standing round it in devotion.

About the ***wande mataram*** and Similar Other Patriotic Poems

So far as the national anthems and other poems consisting polytheistic themes are concerned, a Muslim is never permitted to recite such items, neither standing near the national flag or at any other place. India's national anthem *wande mataram* undeniably includes purely polytheistic themes. The opening phrase' *wande mataram* means, "I worship thee O my motherland." As it is commonly known to all, in the *Hindu* religion the worship of mother land is a very comman and popular theme and is termed as the *dharti puja* and *bhumi puja* (mother land worship). All such facts establish it beyond any doubt that the *wande mataram* is a poem which is

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[2] . Durr Mukhtar with Raddul Muhtar vol.9 p.551

intended to offer a maximum devotional tribute to the mother land. This indeed is a polytheistic theme and a Muslim can never afford to utter such words. That is why the *Ulama* have unfailingly been demanding the exception of the Muslims from the recitation of this so-called national anthem ever since the first day of its genesis. Moreover, this poem has several words the meaning of which remain unknown to us. And a Muslim is never allowed to utter such words fearing that they might have polytheistic themes.[227]

Keeping the same aspect of the problem in mind, Maulana Thanwi also has declared the recitation of the national anthem as unlawful. Notably, the national anthem of that age was different from that of the sovereign India has adopted after independence, the verses of which predominantly revolve round the polytheistic themes.

Furthermore, the recitation of this so-called national anthem has become emblematic of the non-Muslims. This aspect brings it to seeking similarity with them. This also supports the view of its impermissibility.

Nevertheless, the person who finds himself constrained to reciting this anthem and otherwise fears incorrigible harms may repeat its words unwillingly. This inference is based on the following verse of the Qur’an.

.....إلا من أكره وقلبه مطمئن بالإيمان

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[227]. Nawawi: commentary on Muslim 2/219

…..except the one who is forced into uttering the words of disbelief while his heart is content with faith.[228]

Even in such a state of affairs too the determination of a *momin* will be to decline such compelling offers, still in order to secure one's protection one's uttering the word of disbelief may be tolerable with Allah Subhanahu wa ta'ala.

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[228]. The Qur'an 16/106

Section One

Arbitration of non-Muslim Judicial Mechanism on the Muslims' Mutual Disputes

In non-Muslim countries the Muslims often encounter a situation which is of a grave problem for the Muslims as it hits the religious foundations. This is the arbitration of non-Muslim judicial mechanism on the Muslims mutual disputes. As the Muslims of a secular country can not have their own judicial system for the administration of justice in lines with the Islamic principles, they are left with no other option than taking their disputes to the non-Islamic courts of law. The un-Islamic courts of law issue their verdicts based on the law of evidence and other laws in force in the country. It is often probable that the court may premise its verdict on the evidence which is hypothetical, or in discord with the laws of Islam and both the parties are aware of that the decision is incorrect. Will the winning party be regarded right if he avails of the decision of the court? This question assumes even greater significance from the *Shariat* viewpoint when the winning party happens to be a Muslim. What is the position of *Shariat* in relation to such matters?

Apart from other *Fuqaha*, the Hanafi viewpoint vis-à-vis this question is that the verdict of the judiciary may be useful in matters which a *qazi*'s (Judge) jurisdiction may bring into existence. As to those matters which are beyond his jurisdiction, a

Muslim is not permitted to avail of such court's decision. On similar lines, the matters of ownership and entitlement, which seek to determine the cause of ownership and entitlement on the evidence available with the courts, the judicial decision, apart from that the judge and *qadhi* is Muslim or non-Muslim by religion, will not make it lawful for the winning party if the verdict is based on the evidence opposed to the Islamic norms of evidence. If the winning party is Muslim, he must part with the item he has thus won. Indeed this is the demand of Islam from a Muslim. By contrast, those cases which do not relate to the cause of the entitlement and ownership such as marriage and divorce, in relation to all such matters the judicial verdict shall have a fuller bearing on the case and will be decisive, fully available for the winner even though the verdict is based on fabricated evidence. Whether judicial verdict relating to such cases takes effect both outwardly and inwardly or only outwardly has ever since the early age of Islam been a subject of difference of opinions amongst the *Fuqaha* ever since the earlier ages of Islam. To the viewpoint of Imam Malik, Imam Shafie and Imam Ahmad bin Hambal the judicial decision obtained on the besis of a false evidence, and both the litigants know this fact, shall take effect only outwardly, totally unlawful for the winning party to avail of it. The Hanafi viewpoint, however, is different from the above one, as is stated just.

The Hanafi viewpoint is based on the following two narrations:

(1) The Prophet صلى الله عليه وسلم is reported to have said the following:

إنكم تختصمون إلىّ ولعل بعضكم ألحن بحجته من بعض, وإنما أنابشر, فمن قضيتُ له من مال أخيه شيئاً بغيرحق فإنما أقطعه له قطعة من النار۔

"You bring your disputes to me; maybe some of you happen to be more eloquent in argumentation than others. I'm no more than a man. Moved by the arguments of a party, if I ever decided in his favour from the property of his brother while it is unjust as a matter of fact, he must note the fact that in fact I gave him a peace of fire."[229]

The purport of this *hadith* is that the judicial verdict based, knowingly or otherwise, on false evidence and untruthful witnesses can never change the factual reality. This *hadith* relates to the cases involving the question of entitlement and ownership.

The second narration is about Haz. Ali bin Abu Talibرضى الله عنه:

.....إن رجلاًمن الحى خطبَ امرأة وهودونهافى الحسب, فأبت أن تُزوّجه, فادعى انه قدتزوجهاوأقام شاهدين عندعلى رضى الله عنه, فقالت إنى لم أتزوجه, فقال (على): قدزوّجكِ الشاهدان, فأمضى عليهاالنكاح۔

....."A person of a clan proposed a to woman. The man was lower than her in respect of descent and social standing. She refused his proposal. The man claimed that he had already married her and brought

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[229]. Bukhari, al-Mazalim 2458

. She رضی اللہ عنہ two witnesses before Ali said she had not married him. Ali said:" The witnesses have married you with the claimant. Thus, Ali, who then occupied the chair of the *qazi* (judge), executed on her (the decision of) marriage."[230]

A similar decision from Haz. Ali is reported in connection with the dissolution of marriage.[231]

This narration is related to the matters involving no question of entitlement. On the basis of these two narrations is based the Hanafi viewpoint.

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[1] Jassas al-Razi: Ahkamul-Qur'an vol.1 p.253

[2] Op. cit.

Chapter Eight

Cultural Unification: A Concept totally Intolerable to Islam

In the midst of all the world communities the Islamic community possesses a special identity. The particularly notable fact of its existence as a distinct religious entity is that it never allowed itself to abandon its religious and communal distinctions. This is an assessment equally true to both the states of the Islamic community when it possessed a fuller and incomparable political sovereignty and of that when it lost the political supremacy and had to live as the subject to non-Muslim, secular even hostile and prejudiced sovereignties. No nation or religious community in the world is ever found which has preserved its religious and communal distinctive features as consciously as did the community of Islam. Other communities than Muslims did never allow the religion to govern their communal and religious life as a forceful element. The Transitional Period of the Church is reckoned to be the religious, its fanaticism however, served no useful purpose of the religion; rather it inflected irreparable harms to religious concepts and undermined its roots. What is more, this Transitional Period was too short to count.

All such groups and communities throughout the world with which the Islamic community's religious and communal distinction rankles strongly wish to see the Islamic community as devoid of its religious and communal characteristics. To this end different devices and varying plans are afoot and at work with them. The move to universal cultural fascination and cultural unification also constitutes a part of the same plan. The cultural unification is meant to bring into existence a unified culture based on positive values picked up from different creeds and religions with a covert demand that all religions should melt themselves down into this so-called culture. This so-called cultural unification is premised on the false and misleading concept that all religions are Divinely-revealed and although their ways vary, the destination is the same. Historically, the concept of cultural and civilization unification is an ancient one, perhaps as old as the human society itself. According to the Qur'an, the Final Message of Allah to mankind, it has ever since been a constant wish of the disbelievers that the Muslims should abandon their religious and communal distinctions and merge with the universal unification of the disbelievers. To cite the concerned Qur'anic verse here:

ودّوالوتكفرون كماكفروا, فتكونون سواء, فلاتتخذوامنهم أولياء۔

"They wish that you should reject faith as they did and thus be on the same footing (as they): so take not friends from them[232]

In short, every concept of cultural and religious unification has to be rejected outright; it intends only to take the Muslims away from Islam. Satan calls to Hell, and Allah to Paradise. The way to Hell has to be rejected outright. The study of the Qura'an, again, reasserts that in all ages of the human history there has been found a number of things to serve as common bases for a universal unification of the polytheists and disbelievers. With reference to Prophet Ibrahim (Abraham) The Qura'an mentions:

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[232]. S.4.v.89

وقال إنما اتخذتم من دون الله أوثاناًمودّة بينكم فى الحيوة الدنيا۔

"(Ibrahim):" Said you have taken idols for worship besides Allah, out of mutual love and regard between yourselves in this life.[233]

Those idols may differ from age to age and time to time, yet the idol is not more than an idol, apart from its shape and form. To be precise, the concept of cultural and civilizational unification of the followers of different religions is entirely un-Islamic and a part of the anti-Islam plots. Hence totally unacceptable to Muslims.

Islam Stands for a Total Submission

The Muslims are committed to follow the command of Allah which He has enshrined in the Qur'an in the following categorical words:

يأيهاالذين أمنواادخلوافى السلم كافة, ولاتتبعواخطوات الشيطن, إنه لكم عدومبين۔

O those who believe! Enter into Islam whole-heartedly, and do not follow in the foot steps of Satan for he is your open enemy.[234]

According to this verse Allah *Subhanahu wa Ta'ala* demands that man should submit, without reservation, the whole of his being to His will. Man's outlook, intellectual pursuits, his social behavior, his interaction with other people and modes of endeavor should all be completely subordinate to Islam. The nature of the religion of Islam can not accept the splitting up of human life into separate compartments, some governed by its teachings and others by those of the non-Islam.

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[233]. S.29:v.25

[234]. Al-Qur'an, S.2, V.208

Keeping in view the revelational background of this verse, we can assimilate the message of it even more clearly. Abdullah bin Sallam and Asad bin Ubaid, etc, formerly the Jews, embraced Islam and wished to follow some of such commands of the Jewish religion as were not opposed to the commands of Islam. This verse is meant to warn the people against such an understanding. It means that entering into Islam will be acceptable to Allah only when one enters into it completely and whole-heartedly, leaving no room for grafting the ingredients of other religions and non-Islamic systems onto Islam, its teachings, culture and civilization.[235]

In this matter the sense of Islam is so subtly
brought a copy of رضی الله عنه nice. Once Haz. Umar
and صلی الله علیه وسلم the *Tawrat* before the Prophet
صلی الله علیه began to recite it. Seeing this, the Prophet
grew extremely angry and pronounced the وسلم
following warning:

والذی نفس محمد بیده لوبدالکم موسی فاتبعتموهُ وترکتمونی لضللتم عن سواءالسبیل, ولوکان موسی حیاً وأدرك نبوتی لاتبعنی-

By Whom in Whose Possession is my life had Musa appeared now before you and you follow him giving up me, you will be

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[2] . Cf. Ibn Kathir vol.1 p.235, Imam Razi vol.3 p.208, Qurtubi al-Jami li-Ahkamil-Qur'an, vol.3 p.18

deviating from the straight path. Had he been alive now and found the age of my Prophethood, he would have followed me.[236]

The faith acceptable with Allah is of the degree which Haz. Umar al-Faruq showed when he felt the anger of the Prophet صلی اللہ علیہ وسلم over his reading the Taurat before him صلی اللہ علیہ وسلم

أعوذبالله من غضب الله وغضب رسوله, رضينابالله ربّاوبالإسلام ديناًوبمحمد نبياً۔

I seek refuge in Allah from the anger of Allah and the anger of His Prophet. We are pleased to have Allah as Lord; to have Islam as religion and to have Muhammad as the Prophet.[237]

The directives the Holy Prophet صلی اللہ علیہ وسلم has given to Muslims in order to dissuade them from imitating the non-Muslims, their culture and their ways of life, select items from which have just been put above in a fair detail, are enough to establish that Islam can never tolerate any cultural and civilizational grafting from outside, let alone the cultural unification based on atheistic, apostatic or polytheistic values of life.

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[1] Darimi, Mishkatul Masabih

[237]. Mishkat

Chapter Ten

What Role the Muslims Should Play vis-à-vis the Class Struggle Between the Non-Muslims?

Vis-à-vis the class struggle between different classes of the non-Muslims the Muslims living in a non-Muslim country should play the role of an active arbiter and try their best to persuade the struggling classes into putting an end to such an unblessed struggle, thus bringing a peaceful and harmonious environment to the country. In case the Muslims can not afford to do so, their moral support and sympathy should go to the wronged and never to the wrong-doers. So far as the lending of their military and legal support to the wronged class is concerned, this entirely will depend on the prevailing circumstances and conditions of the country. Should the conditions permit it and the Muslims too are in a position to undo the wrong by rendering their help to the wronged class, the Muslims must do so as did Haz. Zubair bin Al-Awwam رضی الله عنه in Abyssinia, the non-Muslim country where he, alongwith a number of migrants lived, as cited in the foregoing pages. But if the Muslims are not in a position to do so, or doing so amounts to endangering their own lives, honor and properties, the Muslims shall better be advised to lend and show only their moral support to the wronged. Their coming forward to offer a practical help will be improper and imprudent. Under such circumstances the Prophet's and the companions' attitude they showed towards the wars between the

Christian Romans and the polytheist Persians offers the best practical example for the Muslims. So because the Muslims are never asked to put an end to the wrong at the cost of their own existence, honor or properties. No denial of the fact that raising voice against injustice and sin is an act of great virtue and moral excellence. Yet, equally important is that one should assess one's power, capacity and status and envisage the possible reactions to one's life, honor and property before one's jumping into the field of practice.

In this context the behavior of some of the Prophet's Companions sheds ample light. To cite some examples:

- Haz. Abdullah bin Umar رضی الله عنه stated that one day he happened to hear the address of Hajjaj bin Yusuf, the legendary cruel. In his address he said many wrong things." I thought to interrupt him and invite his attention to the errors he had made. As I was about to do so, suddenly the Prophet's following hadith struck my mind:

لا ينبغی للمومن أن يذل نفسه۔

"It behooves not a Muslim to disgrace himself."

"What do you mean by disgracing oneself," I asked him to explain." It is putting oneself to such dangers against which one is not able to defend oneself," the Holy Prophet صلی الله عليه وسلم explained.[238]

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[238]. Reported by Tabrani, Bazzar, Majmaul-Zawaid, vol.2 p.274

- With reference to Qazi Shuraih Imam Ahmad bin Hambal reported that once Iyaz bin Ghanam cautioned Hisham bin Hakim about a notable event, saying:

"O Hisham! Whatever you heard from the we also happened to صلى الله عليه وسلمHoly Prophet hear; and whatever you did see, we too shared صلى الله عليه وسلمyou. Did you not hear the Prophet saying:

من أراد أن ينصِح لذى سُلطان بامرفلايُبد له علانية، ولكن ياخذ بيده فيخلوبه، فإن قبل منه فذاك، وإلا كان قدأدّى الذى عليه۔

If a person wants to admonish the man in authority, he must not do so openly. Instead, he should take his hand and should be alone with him for the purpose. If he accepted, so far so good. If otherwise, the former has discharged his obligation. You are a man of courage; you demonstrated your courage before a man of power and authority. Did you not entertain the fear of death? Had he put you to death you would have been termed' the victim of the *sultan'*.[239]

Tabrani and Ahmad reported Saed bin Jamhan to have said:

"I said to Abu Umamah that the Sultan was subjecting the people to wrong and cruel treatment. He pressed my hand with force and then said: O Ibn Jumhan! Follow the majority. If the *Sultan* hears you, go to his home and communicate to him your advices and word of admonition. Should he accepted, so far so good.

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[239]. Majmaul Zawaid vol.5 p.229-30

If otherwise, leave him alone, for it is the concerned person himself who know his personal affairs better".[240]

- In his celebrated book, al-*Kharaj,* Abu Yusuf **رحمه الله** has cited that a person came to Haz. Umar bin Khattab **رضى الله عنه** and addressed him: "Amirul Muminin! I care not for the reproaches in the matters relating to the religion. Regardless of the ensuing consequences, I always expound openly what is right." Upon this Haz. Umar bin al-Khattab said:

أمّا من وُلّى من أمر المؤمنين شيئاً فلا يخاف فى الله لومة لائم، ومن كان خُلوّاً مِن ذلك فليقبل على نفسه ولينصح لولى أمره۔

"If a person engages a position of authority he is commanded not to care for the reproaches in the matter of Allah. But the person without such a position should assess his position first (before jumping into the field of action) and keep his care and concern limited to his own self and have a solicitude towards the men at the helm.[241]

The narrations and *athars* establish it beyond doubt that espousing the cause of the wronged class will form an obligation of the Muslims only when they are in power and afford it without endangering themselves. If they are not in power and authority, the advisable course of action for them will be to step ahead only after assessing their power and position well.

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[240]. Majmaul Zawaid vol.6 p.232

[241]. Abu Yusuf: al-Kharaj p.16

In India today the Muslims lack power and authority; the political and economic conditions are not so well as to permit them to lend their support openly. Here the Muslims are first required to give top priority to the safety and protection of their lives, honor and properties. Only then comes the stage of lending their legal and moral support to the wronged class of people of their country-fellows.

Section

Helping the non-Muslims on Emergencies

The social service holds greater importance in the Islamic scheme of things; and Islam recognizes no difference between human beings on grounds like religion, caste, color or geographical boundaries. Even serving the animals is an act of virtue which fetches great reward; serving the human beings is indeed an act of incomparable moral virtue attracting inconceivably great reward صلى الله from Allah the Supreme. The Holy Prophet (Does our إنّ لنا فى البهائم أجراً؟ once was asked, عليه وسلم services to animals fetch reward for us?). The replied:صلى الله عليه وسلم blessed Prophet

فى كل ذات كبد رطبة أجر،

will attract By serving every living being you reward from Allah.[242]

Islam enjoins the Islamic community to render human services to the whole humanity, and on the basis of humanity it not just permits the Muslims to offer possible help to non-Muslims, it also encourages and invites them to do so. Haz. رضى الله عنهما Asma bint Haz. Abu Bakr al-Siddiq stated that once her polytheist mother visited her. She communicated her arrival to the Holy Prophet and asked whether it was permitted صلى الله عليه وسلم for her to financially help her and accord her a good treatment.

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[242]. Bukhari, Mishkat, Illaus Sunan vol.16 p.152

"Yes of course, you must do so", the Prophet of Mercyy replied.[243]

Haz. Abdulla bin Masud and Haz. Abu Hurairah رضی اللہ تعالی عنهما reported the Holy Prophet صلى الله عليه وسلم to have said:

الخلق عيال الله، فاحبّ الخلق إلى الله مَن أحسن إلى عياله۔

"Whole the creation is the family of Allah. The most loving to Allah, therefore, is the one whose behavior towards His family is well.[244]

Of course, there exists a good number of such *hadiths* which entice the Islamic community to help all the human beings on human grounds without entertaining unnatural considerations of caste, color, etc. In the light of these teachings of Islam it is established well that on the occasions of natural disasters if the Muslims ever happen to launch relief schemes, or constitute social service institutions, they must include the non-Muslims in their beneficiaries although the priority shall have to be given to the Muslims as they deserve this due to a double relationship with them. Still, the non-Muslims, too, have to be included in the Muslim relief schemes as far as their means permit. In countries like India such an inclusion is comparatively more important, as it is expected to bring about a very good social and inter–communal environment here.

As to the discriminate behavior of some radical non-Muslims here towards the Muslim victims, it must not prevent us from doing good to non-Muslim victims. The Muslims are always committed to follow the super model of the Islamic morality in their behavior towards the non-Muslims. This being the distinctive feature of the Islamic morality amidst all the nations of the world.

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[243]. Bukhari, Muslim, Mishkat p.418-19
[244]. Reported by al-Baihaqi, Mishkat p.425

Islam commands us to join the relationship with those who are bent upon sundering their bonds from us, treat with forgiveness the ones who subjected us to wrong, and accord a good treatment to those who misbehaved us.

The pagan Makkans subjected the blessed Messenger of Allah and his Companions to the most cruel and inhuman treatment. But when the same Makkans were struck by a severe famine and Abu at صلى الله عليه وسلم Sufyan approached the Prophet Madina asking him to supplicate Allah to remove accepted his صلى الله عليه وسلم the famine, the Prophet request and made the invocation for the purpose. Water and bread constitute the most essential need of all human beings; and in this respect no type of discrimination between them is permissible to be practiced on the grounds of race, gender, religion, etc.

After coming to the fold of Islam, Haz. suspended the رضى الله عنه Thamama bin Athal release of the supplies and foodgrain to the pagan صلى Makkans. The Makkan besought the Messenger to interfere with the matter. The Prophet الله عليه وسلم directed Haz. Thamama bin Athal to صلى الله عليه وسلم

lift the ban from the release of the foodgrain and let it flow to Makka as usual.[245]

Therefore, The Muslims always must adhere to the concepts and high moral ideas while dealing with the non-Muslims and serve them indiscriminately, regardless of their attitude and behavior towards Muslim.

والله أعلم بالصواب، وعلمه أتم وأحكم۔

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[245]. Cf. Musnad Ahmad bin Hambal vol.2 p.428. Dr. Hamidullah, Alwathaiq al-Siyarah p.75-76

Epilogue

The problems and difficulties which the Muslims encounter in non-Muslim countries make one feel that a true Muslim in no set of circumstances can give preference to his stay in a non-Muslim country to his living in his own natal Islamic country as, quite obviously, every true and sincere Muslim loves to live in his Islamic country, follow the system of Islam and its teachings and stay in the midst of his nears and dears. However, during the course of life, sometimes people come across some critical stages when one takes some tough decision and finds oneself obliged to do the things against one's will.

Towards the end of the book I think it appropriate to put some wishes before those brothers who, willingly or otherwise, are living in non-Muslim countries as their nationals and express to them my solicitous feelings.

- When you have now decided to stay permanently in those non-Muslim countries, you are better advised to make an orderly system for your life which may ensure a respected, peaceful, sincere and developing life for you as minority in those countries. No denying of the natural fact that you may have yearning for your natal lands, and might have been putting you at unease the sweet memories of the Islamic countries where you might have had even better opportunities to live in peace and make progress. Such memories are natural and arise from the human instinct.

> They are too strong to be suppressed. Indeed the memories of one's homeland and of the childhood and the thoughts of one's natal country constitute a very precious part of one's intellectual assets, and Islam never devalues such natural emotions. In Madinah when Haz. Bilal رضى الله عنه hummed the verse lines in the memory of his homeland, Makkah, the Holy Prophet صلى الله عليه وسلم, too, could not stifle his deep and natural emotions, and his eyes often got tearful.

This natural fact apart, now the object of your best wishes and emotions, love and solicitude must be the lands and countries your have chosen them as your permanent home. Their construction, progress and welfare and solicitude towards those countries and their people must come first in the list of your priorities.

صلى الله عليه The practice of the Holy Prophet offers the best example for us. On one hand, the وسلم couplets composed in the sweet memories of his homeland, *Makka,* moved him to tears, but, on the other hand, his behavior towards his new home, *Madinah,* to which he had moved as migrant, was based on total well-wishing and immaculate sincerity. He prayed Allah to bless the land of *Madinah* and make it free from diseases and epidemics. His well-wishing attitude and solicitous emotions towards his land of migration brought about a reconciliation between the warring factions of *Madinah*. He included the Jews in the new peace arrangements of the town and accorded them the status of an ally by the inclusion of the following historic clause in the draft:

إن اليهود أمة مع المؤمنين، لليهوددينهم، إلامن ظلم أوأثم فإنه لايهلك إلانفسه۔

“The Jews are as separate a people as are the Faithful. For the Jews is their religion, except the one who committed wrong or sinned. Such a person is to destroy but only himself.”

- You must seek light from the practice of the foregoing Prophets of Allah. While addressing their country fellows every Prophet addressed his non-Muslim people using the word *Ya Qaum* (O my people). Its examples are scattered about in the entire body of the Qur’an. In other words, you should always have the feelings of love and sincerity towards your home-fellows, and never of abomination and hatred.
- In addition to what has been suggested above, endeavoring for the moral reform of your country–fellows, and religious solicitude and well-wishing to them constitutes your functional obligation. This distinctive feature amongst the nations of the world is so important that without it you can not secure a place of respect in the comity of the nations of the world. Therefore, you must not restrict your activities only to earn bread or serving the office. Beside concerning yourselves about the protection of your faith and belief, you had better be anxious of the religious well-being of your home–fellows, doing your best for the purpose. Your concerted efforts will

insha Allah, bear good fruits. The same is the behavior which the Prophets adopted towards their addressee people. To cite the example of the Prophet Shuaib **عليه السلام**:

إن أُريد إلّاالاصلاح، ما استطعت وما توفيقى إلا باللہ-

I only wish to make betterment to the best of my power, and my success can only come from Allah. In Him I trust, and unto Him I turn in earnestness[246].

To discharge this nice obligation in a satisfying manner you shall be required to be in possession of godly prudence, knowledge and close association with Allah. To this end you are earnestly required to stay along with your own religious sciences, the history of other nations and the causes responsible for their rise and fall. A deep study of the concerned literature will lead you to the realities and pure truths of the history. Fortunately, you are in possession of the Final Divine Message, which offers the truest guidance to the straight way of Allah. You are required to conduct repeated, careful studies in the Qur'an to seek guidance. The following historic statement of Haz. Rubie bin Amir deserves special study and attention. He had made it in response to the Persians' question why the Muslims had arrived in Persia to fight the Zoroastrians. He had said:

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[246]. The Quran'an:11:88

إن الله تعالى ابتعثنا لنخرج العباد من عِبادة العبادإلى عبادة رب العباد، ومن ضيق الدنيا إلى سعة الدنيا والآخرة، ومن جورالأديان إلى عدل الإسلام-

(Allah Ta'ala has raised us so as we take out the slaves (of Allah) from the worship of the slaves to the worship of the Lord of the slaves, from the narrowness of this world to the expanse of this world and of the Hereafter, and from the oppression of the religions to the justice and equality of Islam.[247]

- Wherever you happen to live, represent the religion of Islam, its noble teachings and the Islamic community. The non-Muslims read Islam and its teachings in the open book of the lives of Muslims and build their opinion according to what they see and experience in their practical lives before they read it in the literature on Islam. The same is the idea which the Prophet of Islam has spoken of in the following prophetic phraseology:

إتق الله حيث ما كنتَ، واتبع السيئة الحسنة تمحها، وخالق الناس بخلق حسن-

Fear Allah wherever you are, and follow your evil act by an act of virtue. The latter will remove the former, and conduct yourselves before the people in a morally excellent way.[248]

- Your total interactions and dealings with your non-Muslim country–fellows must always be based on justice and moral goodness, completely free from fraud, deceitfullness and

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[1]. Al-Zawabit al-Manhajiyah li Fiqhil Aqalliyat p.93

[248]. Birr wal-Silah, Mu'asharatun Naas, Hadith No.2053

the ways of dishonesty. The Holy Qur'an puts it in clear terms.

لا ينها كم الله عن الذين لم يُقاتلوكم فى الدين ولم يُخرجوكم من دياركم أن تبرّوهم وتُقسطواإليهم إن الله يحب المقسطين۔

Allah forbids you not, with regard to those who did not fight you in religion nor drove you out of your homes, from dealing kindly and justly with them. Allah loves those who are just.[249]

- As faithful citizens of the non-Muslim countries you are required to respect the laws in force and the social traditions in vogue in those countries. For with the same commitment you have entered those countries and have been granted the citizenship and the ensuing rights, and dishonoring the pledge is entirely opposed to the teachings and nature of Islam. The Qur'an says:

وأوفوا بالعهد، إن العهد كان مسؤلا۔

And fulfill the pledge. The pledge shall be enquired into (on the Day of Reckoning)[250]

- You may have to face difficulties and hardships in those countries. You are required to find positive solutions to those difficulties, and never to resort to destructive reactions. This will be a sign of your constructive thinking and the best representation of your religion. The Qur'an says:

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[249] .The Qur'an 60:8

[250] .The Qur'an, 17:34

هل جزاءالإحسان إلاّالإحسان۔

Could there be any reward for good other
than the good itself?[251]

- In case a wrong institution is in vogue in the society, your duty there is not just to declare it impermissible, equally important for you is to inform the society of the alternate permissible thing to replace the impermissible one. This constitutes the functional obligation of you as well as of the men of Islamic learning. To this effect Hafiz Ibnul Qayyim says:

"If a *mufti* is ever asked to explain the position of the *Shariat* on a thing the asking person stands in need of, the duty of the *mufti* is never limited only to proclaim that thing as unlawful. He should also inform him of the lawful replacement of that unlawful thing. The same suits the character of a true *alim;* like a sympathetic medical practitioner who not just tells the patient about the preventions, but recommends the appropriate medicines as well. The same should be the practice of the doctors of both the religion and bodies.[252]

This way you may secure the better position
in the comity of the nations of the world.

May Allah protect us all against all possible
evils and accept us for the service of His religion
and mankind. Amin.

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[251] .The Qur'an, 55:60

[252] . Ibnul Qayyim: Illamul-Muqeen vol.4 p.159

A Word of Advice to the Muslims Living in non-Muslim Countries

Md. Ibrahim Khan

A time was that when the truth of Moses was revealed to the prestidigitators of Egypt and they bowed in obedience to the Divine faith and entered into its fold, Pharaoh felt so greatly outraged that he immediately pronounced a most brutal death on all of them. The tyrant did not spare even his wife the consequences of wrath.

In the same way, the pagan of Makka practised such ghastly atrocities on the poor and weak people who were the first to respond to the call of the Prophet and embrace Islam that a recounting of them can even today make the eyes of the most stout-hearted among us well up with moisture.

That age of savage cruelty and bestial oppression is now, perhaps, a thing of the past. It is not likely to return before the appearance of the imposter, *Dajjal*. But, should the situation in any country becomes, by any chance, so flagrantly unbearable for Muslim, it will be open to them to migrate to another land, even though it be a non-Muslim one, where they can live peacefully as Muslims, as their co-religionists had done by moving away to Abyssinia at the Prophet's advice, and lay down their lives gallantly in the cause of Allah. Every drop of their blood will *Insha Allah* lend new life and vitality to the Faith and the cause of its resurgence in that very land. And for those who are unable to adopt such a courageous course of action, due to want of sufficient courage and means, there is the permission to conceal their faith and continue to live in that country, hoping for a happier turn of events and making humble entreaties to Allah.

ربنا أخرجنا من هذه القرية الظالم أهلها، واجعل لنا من لد نك وليا، واجعل لنا من لدنك نصيرا-

"Our Lord; rescue us from this town, whose people are oppressors; and raise for us from Thee one who will protect, one who will help.

To the best of our knowledge, a situation as grievously dismal as that does not obtain anywhere in the world today. There are, nevertheless, states which aspire not through the crude methods of old but through newer and more subtle ways to wean the Muslims away from Islam (or, rather, all Allah-abiding peoples from their spiritual moorings) without placing a legal ban on religion or Allah-worship.

The Muslim citizens of these states should resolve to make undivided allegiance to Allah and the Holy Faith and constancy of purpose and patient perseverance the spearhead of their policy and do whatever lies in their power to keep the spirit of Islam warm in their homes by imparting to them an overall atmosphere of religiousness. They should leave nothing undone on their part to arrange for the religious instruction and training of their rising generations. (It is our considered opinion that all this can be done if the right spirit and will to do it be there). Judicious and well-meant steps may also be taken, as far as they are possible, to make the powers realize the folly of their ways. These steps can be of a political as well as non-political nature and they can produce results beyond all expectations. The might of the Lord is supreme. His ways are beyond our understanding and it is an unchanging habit of His and a firm, definite promise that He will make His aid available to those of the faithful who will remain steadfast in His cause during times of trial and suffering and instead of giving to despair preserve in their efforts as best as they can in the circumstances. Situations will arise and factors will emerge, as if from nowhere, that will alter the course of things and remove the difficulties.

With most of the non-Muslim countries the position is that they are not antagonistic to Islam or harbour a fundamental prejudice against Allah or religion. Their Muslim inhabitants enjoy full freedom of religious belief and practice under the constitution along with the other communities. But since the ideological climate and the socio-political structure there are un-Islamic and wholly materialistic, some of their laws come into conflict with the tenets of Islam, and it becomes very difficult to fashion one's life according to the teachings of Islam in their presence. In some of these countries the population of Muslims runs into several millions and billions. Take our own homeland, India, where the Muslim population is not less than 300 millions. These Muslims, naturally, have got to live in the countries of their birth. The question of migration does not at all arise for them as no Muslim country can afford to accommodate so many people within its frontiers. In these circumstances, it is absurd to suppose that they can live permanently in isolation from the governments of their lands nor does the *Shariat* ask them to adopt such an impossible and unnatural course. At the same time, it is impossible for them to participate freely in the governments and politics of their countries like any other community, telling themselves that religion had nothing to do with the politics and that they could render to Allah the things that are Allah's and to Caesar the thing that are Caesar's and still remain good Muslims. That would be entirely opposed to the purpose and meaning of Islam. It would mean that although Allah was the Lord and Sovereign of the whole universe, government and politics did not fall within His jurisdiction.

Such being the case, what the Muslims of these countries can and should do is to chalk out the positive programme of action for themselves with reference to their particular needs and conditions. This programme must, however, be inspired by a two-fold conviction: firstly that they have to stay Muslims first and last, unflinching in their loyalty to the commands of Allah and the Prophet–as far as the circumstances allow–and valuing that loyalty above everything else; and, secondly, that they have to conform to the best standards of the citizenship and render unstinted allegiance to their homelands. But it can be achieved only when the Muslims are absolutely clear in their minds on these two points and it is their collective decision. To produce the requisite collective consciousness it may be necessary for them to launch an educative campaign among themselves so that once the decision is taken it may hold good for the entire community functioning as a unit.

Another matter of crucial importance to the Muslim minorities in non-Muslim states is that, together with their co-religionists in all other parts of the world, it is a question of faith for them too to believe in Islam as the ideal programme of life, both individual and collective. As against it, all other programmes are false and worthless. In consequence of this conviction, as from the humanitarian point of view also, it should be their sincerest desire to see that the other communities adopt Islam as their own, and the sacred Law, as revealed by Allah in His infinite Mercy, reigned supreme all over the world. But with all this, they can not manage to ignore the realities of the situation as prevailing in their countries. They will have to determine their attitude after giving the most careful thought of all the aspects of the problem and with this dictum of the Shariat as their guiding principle:

"Wherein lies most of good and least of evil." In the light of this principle they can also decide whether to offer loyal support and co-operation to the governments of their lands in a particular situation or not.

A living faith in Allah and a life wedded to the ideals of virtue and service to mankind are equally necessary for all Muslims irrespective of the lands to which they belong. The real reward for these high moral and spiritual qualities lies in the Hereafter but for Muslims living in non-Muslim countries they are of the greatest advantage in this world as well. They are the safest, surest and the most universally effective means for the overcoming of their difficulties and for ensuring to them a place of honour in the society. It is absolutely imperative for them to strive to their utmost cultivate these qualities and to propagate them in the circle in which they move. If they can bring themselves to it they will see that success beyond their fondest dreams will kiss their feet. Allah has held out a promise to this effect at various places in the Qur'an, as in this verse:

ألذين أمنوا وكانوا يتقون، لهم البشرى فى الحيوة الدنيا وفى الأخرة، لا تبديل لكلمات الله، ذلك هو الفوزالعظيم۔

"Those who believe and (constantly) guard against evil;–for them are Glad Tiding in the Present and in the Hereafter; No change can there be in the World of Allah. This is, indeed, the Supreme Felicity.[253]" (–)

Muslims, who, in the modern world are feeling despondent and frustrated at being placed in the position of a weak minority in the countries of their birth have for them a special message of courage and hope Sura-i-Yusuf in the Qur'an.

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[253]. Qur'an: Yunus, 7

The story of Haz. Yusuf عليه السلام[254] teaches us the moral that however weak be the numerical or political position of Muslims in a country–they may even be in the minority of one and isolated completely from the rest of the people, religiously as well as racially–if they are true to their faith and righteous in their habits conduct and are also ready to render whatever service they can to their fellow-citizens and to the state, they could never fail in carve out a position of honour and trust for themselves and win the respect and admiration of its inhabitants for their religion. On being questioned by his brothers how a person whom they had pushed into the well could come to rise to such great heights, Hazrat Yusuf عليه السلام offers this explanation:

إنه من يتق ويصبر فإن الله لا يضيع أجر المحسنين۔

“Behold, he that is righteous and patient,–never will Allah waste the reward, of those who do good.”[255]

So, this is the unfailing law of Allah–never to suffer the reward of one who Believe and does good deeds to be lost–and what we have said in the preceding paragraphs was only an elucidation of this truth. It may not be very easy to be convinced logically of its effectiveness in the political field, yet it should also not prove so very difficult, specially in

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2. Joseph

[255]. Qur’an: Yusuf, 10

the modern world of democracy and liberalism. But, alas, the dismal spectacle that the Muslims are presenting is that while they are eager to take recourse to all sorts of agitational methods for the solution of their political difficulties–methods which are totally the products of the materialistic frame of mind and from which no good has ever accrued or can ever accure–,they are not prepared to give even as trial to the remedy prescribed by the Qur'an, Indeed, it would seem their state of mind today is identical to that of the unenlightened group among the Israelities of the past as portrayed in the Quran in these words.

وإن يروا سبيل الرشد لا يتخذوه سبيلا، وإن يروا سبيل الغى يتخذوه سبيلا۔

"And if they see the way of right conduct, they will not accept it as the Way; but if they see the way of error, that is the Way they will adopt."[256]

Muslim minorities in non-Muslim lands can also draw a most valuable lesson from the episode of Hudaibiyah in the life of the holy Prophet. The Treaty of Hudaibiyah had apparently been concluded by the Prophet on such weak and humiliating terms that it had become impossible even for a Companion of the unbounded devotion and loyalty like Haz. Umar to suppress his disappointment and extreme disapproval. But the point is, why had the Prophet agreed to a humiliating arrangement like that ? It was because had wanted channels of صلی اللہ علیہ وسلمthe Prophet contact to be established between the Muslims and the pagan Quraish who were then in the forefront of the campaign of war and hatred against Islam so that the Makkan idolaters could get an opportunity to observe the Muslims and their religion at close quarters and to ponder, in a peaceful atmosphere, over the all-important question of Faith he had posed before them. History records that it was this very treaty, shameful and degrading as it looked at first sight, that paved the way for the Makkans to embrace Islam It was as a consequence of that the outstanding leaders of the Quraish like Khalid bin Valeed and Amr bin al-Aas entered into the fold of the Divine faith. The biographers of the Prophet and the early historians of Islam are agreed that far more persons accepted Faith of their own choice and volition within a few years of the signing of the Treaty than during the whole of the preceding 19 or 20 years before and after the great hijrat of the Holy Prophet. That is why, the Qur'an has spoken of it as a Manifest Victory.

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[256]. Qur'an: Airaf,17

إنّا فتحنا لك فتحاً مبيناً۔

"Verily, "We have granted thee a Manifest Victory."[257]

The unique advantage to which the Prophet had turned the seemingly hopeless Treaty of Hudaibiyah is, today, within the reach of the Muslim populations of most of the non-Muslim countries. But the Muslims themselves are so utterly lacking in that life of faith, Islamic morality and devotion to mankind, and in that unselfish religious enthusiasm and solicitude for the Hereafter without which they can have no complaint if they feel themselves forlorn and abandoned. If they want to seek an answer to their ills and problems in Islam and the Qur'an, it is this: "Become Muslims: produce in yourselves the fire of conviction and adopt a life of faith and virtue and an earnest love for humanity and paths will be opened up for you that you cannot conceive of."

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[257]. Qur'an:fat'h,1

Besides this fundamental principle, a passing reference may also be made to certain questions of detail. As we have said before, it is essential for Muslim minorities everywhere to get it into their heads clearly and once for all, that they have to live and die in the lands of their birth, and, at the same time, stay true to their faith. This is a matter about which a government, in spite of its being a non-Muslim one, can be most sensible and co-operative if it is just and liberal, and if it happens to be otherwise, it can also put all sorts of impediments. Should it, therefore, be possible for Muslims to be helpful in bringing more enlightened and broadminded sections of the population into power they ought to make use of the possibilities that maybe open to them. In a democratic set-up, at the time of elections, for instance, there should be nothing to prevent them from offering support to a political party that may be expected to safeguard their religious and other interests more justly and effectively than the other contesting parties. They can also participate in the government if it is felt that they can serve their interests better that way.

This is the verdict of commonsense as well as of the Shariat. In our support we can cite an instance from the conduct of the Holy Companions who had migrated to Abyssinia at the time of the Prophetصلی اللہ علیہ وسلم, as the leaned author has also pointed to the same insides the present book During the period of the stay of the Companions in Abyssinia was attacked by a foreign invader and the Companions prayed most earnestly to Allah for the victory of the Negus. Their leader, Zubair, is also reported to have performed some highly meritorious service for the Emperor on the battlefield. Explaining their conduct, one of the immigrant Companions, Umm-i-Salama, has stated that it was because they felt that if the enemy won he would not treat them as generously as the Negus had been doing.'

Finally, Muslim Personal Law is a part of the religious structure of Islam and no non-Muslim government has any constitutional or legal right to interfere with it. Muslims living under non-Muslim systems are, as such, required to make every possible effort for the recognition of this principle by their governments. They may also take steps to set up, under the aegis of the Shariat, a separate arrangement of their own for the management of such problems of their individual and social concern as cannot otherwise be taken care of adequately in a non-Muslim State.[258]

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[258]. Details of the incident are available in lbne Hisham, Vol.1p.

Before concluding, we would like to repeat that the Muslims falling in the category of a minority in a country should keep before them for their guidance the parable of Haz. Yusuf عليه السلام which has found mention in the Qur'an in proper detail. There is not an iota of doubt in the fact that the Muslims can not fail to secure a position of honour and trust for themselves and their religion in any country they live in provided that they possess real faith and a clean life—a life illumined with Allah-consciousness—and show proper discretion and can prove their worth and usefulness to their countrymen and the state. This is way of Allah, and–no change can there be in the way of Allah.

361, al-Badayah-wan-Nahaya, Vol. Ill, p. 79, and Sharh-i-Seer-i-Kabir, Vol.III, p. 187. Also of interest in this connection are the comments made by Ibne Taimiyah while elucidating the principle of the Shariat: 'Wherein lies most of good and least of evil'. He says, "When the war between the Romans and the Persians was being fought during the lifetime of the Prophet صلى الله عليه وسلم the victory of the Romans gave much joy to the Prophet صلى الله عليه وسلم and the Companions, as is confirmed by Sura-i-Rum in the Qar'an. Although both the parties were polytheists. …see next page..
The reason was that the Romans being Christians were nearer to Muslims than the fire-worshipping Persians. Similarly, Hazrat Yusuf had agreed to serve as a deputy to the Pharaoh in spite of the fact that the latter, alongwith the entire Egyptian nation, was a polytheist, and used the power thus acquired to invite people to Allah and established justice and righteousness to the best of his capacity." These remarks by Ibne Taimiyah are very clear and decisive in respect of the subject under discussion.

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